# CORRECTIONAL SERVICES EMPLOYMENT SYSTEMS REVIEW

2003–2004

NOVA SCOTIA
Department of Justice

# Correctional Services Employment Systems Review

2003-2004

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Department of Justice

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# Executive Summary

## Introduction

In Nova Scotia our workforce continues to change; workers are getting older and are reaching the retirement age. It is important that organizations, such as Correctional Services, retain good employees and attract future employees by treating their staff in a fair and equitable manner. An effective mechanism for accomplishing this is by having a diverse workforce where the diversity is recognized and respected.

Correctional Services have put a number of initiatives in place to achieve equity, including a newly established equity manager function and newly formed equity committee. However, it is also important to determine if there are "systemic barriers" in the employment policies, practices, and procedures used within Correctional Services. These are barriers that affect the system as a whole and result from policies, practices, and procedures that have the effect of excluding different groups or people with shared identities, such as race, age, and gender. They are subtle, sometimes difficult to detect, and are based on policies, practices, and procedures that are not job related nor required for the safe and efficient operation of the organization.

An employment systems review helps to determine if systemic barriers exist. An employment systems review is a comprehensive examination of written and unwritten, formal and informal, employment policies, practices, and procedures to identify and permit the removal of systemic and attitudinal barriers to employment opportunities for persons in the designated groups. Designated group members are aboriginal peoples, racially visible peoples, persons with disabilities, and women in positions where they are under-represented.

### Goals and Objectives

The overall goal of the Correctional Services Employment Systems Review is to ensure that the employment policies, practices, and procedures of the Correctional Services Division promote equity in the workplace, consistent with the expectations of the Nova Scotia Public Service Commission (PSC) with respect to all government departments, agencies, boards, and commissions. The review will identify any barriers to achieving that goal and will make recommendations for overcoming these barriers.

All aspects of Correctional Services, i.e., administration, community programs, and youth and adult facilities, are included in the review.

The specific objectives of the Correctional Services Employment Systems Review are to

- examine written and unwritten, formal and informal, employment policies, practices, and procedures in Correctional Services, in the following employment systems: recruitment, selection, retention, career development, promotion, discipline, and termination
- provide advice to Correctional Services on the duties of the equity manager function, which will assist in overseeing the implementation of initiatives designed to bring about substantive equity
- provide advice on the adequacy of existing anti-harassmentpolicies and on changes if improvement is required

While undertaking the employment systems review additional information will be gathered to provide advice on the best method to ensure that employment equity and equity in service delivery are incorporated into the performance management system.

## Methodology

The Correctional Services Employment Systems Review uses a tool that was developed by the federal government for the Federal Contractors Program. It allows for an analysis of the various employment systems and includes itemized checklists for each system and a review of documents relating to the various employment systems.

An essential component of an employment systems review is consultation with employees. Employees' perceptions of what happens in practice are an important factor in determining if employment systems are fair or perceived to be fair.

A number of strategies were used in the Correctional Services Employment Systems Review to help obtain the information necessary to complete the checklist items and document review, while allowing for opportunities to get input from Correctional Services staff

- an employee survey – sent to 688 staff, 380 completed and returned the survey, for a response rate of 55.2 per cent
- interviews and focus groups – a total of 57 individuals, mostly Correctional Services staff, participated in the interviews and focus groups
- a document review – including a review of the Civil Service Act and General Civil Service Regulations, the NSGEU Master Collective Agreement and the Local 480 Collective Agreement, the PSC *Human Resources Management Manual 500*, Correctional Services *Policies & Procedures Manual*, the facilities' standard operating procedures, and the Justice Human Resources Corporate Services Unit (HR CSU) *Recruitment and Selection* binder.

## Findings

A review of the employment policies, practices, and procedures used in Correctional Services finds that there are systemic barriers to employment equity for all staff. Some of the systemic barriers are the result of

- cultural and gender biases in the documents reviewed
- policies and procedures not being implemented as required or being implemented inconsistently
- lack of training in areas such as leadership, performance management, recruitment and selection, and teamwork and respect
- job requirements that may not be based on bona fide job requirements
- union issues related to closed shops and seniority
- inaccessible facilities and lack of accommodation
- lack of career counselling and performance appraisals

### Designated Group Representation

It is possible that these systemic barriers may have resulted in the designated group members being under-represented in Correctional Services positions, particularly management positions.

In the employee survey, staff were asked to self-identify if they are a member of any of the designated groups. Responses show that some of the designated groups are better represented in Correctional Services than others. The percentages of aboriginal staff and racially visible staff are similar to the working-age population in Nova Scotia, while the percentages of women and persons with disabilities are lower. All designated groups are under-represented in management positions. As well, designated group members do not appear to be well represented in the union executives and as union stewards. This creates barriers for staff who are members of the designated groups. For example, as there are no mentors in senior management positions, designated group members do not have anyone with their background at these levels, and if they have concerns they may not be willing to bring the issue forward. Strategies must be developed to increase the number of females and other designated group members applying for Correctional Services jobs and to increase the number being hired and promoted, particularly to management positions.

A tracking system must be put in place to track who is applying for positions in Correctional Services, who is being hired and promoted, and who is leaving and why they are leaving. The implementation of exit interviews and the PSC's workforce survey should help in providing some information; however, there will still be gaps in the information. The tracking system will help to fill these gaps.

To help ensure that interview panels are sensitive to cultural and gender issues, interview panels need to have representatives from the designated groups. Most interview panels have females on them; however, representation of other designated group members is lacking. Due to the small numbers of the other designated group members it is sometimes operationally difficult to achieve this representation. One way to ensure representation on the interview panels is to have a human resource consultant who is a member of a designated group.

**Gender, Racial, and Bullying Issues**

Gender issues are more prevalent in Correctional Services than racial issues. Staff make inappropriate comments to females, and some staff are not supportive of females working in Correctional Services. Interview and focus group participants provided examples of sexual harassment, racism, and bullying.

Bullying is not restricted to gender and racial issues. Bullying is prevalent between part-time and full-time staff and staff who have rolled in from other facilities. A Department of Justice policy on bullying would demonstrate the department's commitment against bullying.

Participants feel that the training on sexual harassment and no discrimination and on diversity and employment equity does help, but there needs to be more of it, and staff should be required to take it more than once. As well, staff need to be made aware of the need for respect and be reminded about zero-tolerance in relation to the policies, including the intimidation policy. Training on how to work in team environments and on how to be respectful should be provided to all staff, including part-time and casual staff.

In addition, staff need to be held accountable for their actions. Managers and other staff who discriminate against or bully other staff members need to be penalized. The penalties imposed need to be reflective of the severity of the incident.

**Cultural and Gender Biases in Documents**

Throughout the documents reviewed, there were instances where the language was not gender neutral or was outdated; and several documents did not reflect current policies. As well, the documents contained cultural biases that must be removed. Recommendations include updating the collective agreements, legislation, government policies, Correctional Services policies and procedures, standard operating procedures, and training material to remove the cultural and gender biases.

**Policies and Procedures**

A number of interview and focus group participants said that policies and procedures are applied inconsistently; this leads to issues with offenders and staff and may make the work environment inhospitable. Both managers and line staff need to be aware of the policies and procedures, including the standard operating procedures, and how to apply them. There should also be monitoring to ensure that staff are implementing the policies and procedures appropriately.

More can be done on implementing the Affirmative Action Policy in the Department of Justice. The Public Service Commission is currently developing a resource that will help line departments implement the policy. Once this resource becomes available, the PSC should educate departments about the policy and provide resources to help departments implement the policy. After this occurs, departments should be held accountable for implementing the Affirmative Action Policy.

The Fair Hiring Policy outlines what government departments are to do to ensure that their hiring practices are fair. The Justice HR CSU is responsible for ensuring that recruitment and selection processes follow the Fair Hiring Policy. They review the documentation on the shortlisting of candidates and the interview process to ensure that everything is done as required. Where the system may not reflect fair hiring practices is in secondment and expressions of interest opportunities. These opportunities do not have to be posted and may not be done in a fair and equitable manner. If Correctional Services wants to achieve employment equity for all, these opportunities should be posted so that staff are aware of them and can apply for them.

**Training**

Training is a key component of Correctional Services. A number of courses have been identified as mandatory, and Correctional Services part-time trainers deliver a number of these mandatory programs. Staff need to be aware of and be provided with non-mandatory training opportunities as well. This could be done at the time of a performance appraisal when discussing performance development. Staff who are responsible for delivering specific programs should be able to take the training required to support them in delivering these programs.

The need for training was identified in a number of areas. Managers and supervisors need to be trained in performance management, leadership skills, equity, policies and procedures, and special leave entitlements. As well, managers and other staff need more training on disability and cultural issues. A thorough needs assessment would ensure that the training needs of Correctional Services staff are identified and mechanisms are put in place to meet these needs.

The recruitment and selection training provided by the Justice HR CSU gives staff a good overview of the government policies on hiring, such as the Fair Hiring Policy. This training must be updated to reflect current policies and language and to address the issues identified during the employment systems review. Once the training material has been updated, all Correctional Services staff involved in the recruitment and selection processes need to take the training to ensure that they are current in their knowledge and to help them develop the skills they need.

**Bona Fide Job Requirements**

There may be barriers relating to the education and the physical requirements for Correctional Services positions. Reviews must be undertaken to determine the bona fide occupational requirements in relation to education qualifications and the physical requirements of the various occupations within Correctional Services.

**Union Issues**

Both collective agreements in Correctional Services, the NSGEU Master Collective Agreement and the Local 480 Collective Agreement have seniority clauses that are intended to protect union members. However, these clauses have created adverse impacts on designated group members. Consultations must be undertaken between the employers and the unions to develop actions to minimize the impact of these clauses on designated group members.

There are also barriers resulting from having two collective agreements within Correctional Services. Both are considered to be closed shop, i.e., bargaining unit members have first chance at bargaining unit positions. This creates barriers to movement between the adult facilities and the probation offices and youth facilities. These barriers are more noticeable when there are layoffs at one facility, while another facility is hiring staff, but staff cannot move between the two because of the different unions. Discussions between the employers and the unions should be held to determine what can be done to remove barriers between the two unions.

**Accessibility and Accommodations**

A number of interview and focus group participants reported that their worksite was not accessible by people with disabilities. An accessibility review must be undertaken, including recommendations for improving accessibility.

In general, there is a lack of awareness about disability and cultural issues within Correctional Services. In order to increase awareness and effect changes, education is key. Education must be provided on disability issues, what accommodations mean, cultural issues, etc.

Accommodations, such as job sharing and flex time, help staff with family commitments. A pilot project on job sharing and flex time in a 24-hour, 7 days a week, operation can demonstrate a commitment to looking at new ways of doing business, while providing accommodations to staff.

**Performance Appraisals and Career Counselling**

Performance appraisals and career counselling can help staff identify where they want to move in their careers, including positions within Correctional Services, and what training they require. These do not occur regularly or consistently in Correctional Services. More priority and accountability must be placed on annual performance appraisals and providing information to staff on upward mobility opportunities in Correctional Services and elsewhere. As well, Correctional Services staff need to receive training on performance management so that they may develop appropriate equity performance goals.

The management team in Correctional Services must be held accountable for completing annual performance appraisals and for implementing the recommendations in this report. These could be performance goals for managers and supervisors.

**Communication**

Communication is an important component in ensuring equity in the workplace. However, it is not clear how much of what is communicated from Correctional Services' head office makes it to front-line staff. It would appear that not everything that should be is passed on to staff, or if it is, it may be delayed. It may also be that the methods of communication are not working. Efforts must be taken to improve communication between management and staff in Correctional Services.

**Correctional Services Equity Manager**

Correctional Services is supportive of achieving employment equity for all employees and having equity within correctional services. Recent initiatives include the establishment of an equity manager function and an equity committee. Currently the equity manager is a function, not a full-time position. To achieve equity in Correctional Services this position must be a full-time position. This position could be responsible for

- investigating discrimination and harassment complaints, by staff, young people, offenders, and probationers
- responding to requests from staff, young people, offenders, and probationers related to cultural and religious beliefs
- providing advice and education to Correctional Services staff on equity issues
- developing, implementing, and monitoring workforce and offender statistics

- developing and implementing an equity plan, which could include some of the recommendations from the employment systems review
- developing and/or revising policies and procedures, as needed
- auditing and reviewing policies, practices, and procedures for their impact on designated group members, both staff and offenders
- liaising with other Justice staff and the PSC on equity issues

## Recommendations

This report includes 133 recommendations. Advisory committee members recognize that there are limited resources and that not all of the recommendations of the employment systems review can be implemented at the same time. The committee went through an exercise to prioritize recommendations for each employment system, these are shown in boldface in the list below. Even though some recommendations have been given higher priority, the advisory committee feels that the other recommendations are important and need to be implemented.

The recommendations cover a wide range of issues and include recommendations, not only for Correctional Services, but for the Department of Justice, and the Justice HR CSU, as well as the union and the PSC. Because of the range of the recommendations a person in the Department of Justice should be designated to take the lead on the implementation of the recommendations and reporting on the progress of implementation.

The recommendations are numbered according to the employment system that they refer to; see that section of the report for more details. The lettered recommendations are general recommendations that respond to general issues raised during the review.

**General Recommendations**

A. **The Department of Justice recommend, as soon as possible so it may be included in the current negotiations, that the union revise the language in the collective agreements to remove any cultural or gender biases.**

B. **The Department of Justice recommend, by September 30, 2004, to the PSC that the language in the PSC *Manual 500*, the Civil Service Act, and the General Civil Service Regulations be updated to remove any cultural or gender biases.**

C. **The Department of Justice update, by March 31, 2005, the language in the *Recruitment and Selection* binder, the Correctional Services *Policies & Procedures Manual*, and the correctional facilities standard operating procedures (SOPs), to remove any cultural or gender biases.**

D. Correctional Services and the Justice HR CSU develop and implement a tracking system, by September 30, 2005, to track applications, hirings, promotions, and terminations and report on the percentage of designated group members at each of these steps. It is recommended that the results be reported quarterly on the Justice website and/or in the Correctional Services newsletter.

E. By April 1, 2005, the Justice HR CSU designate at least one human resource consultant position to be filled by a designated group member and use this consultant to participate on interview panels in Correctional Services.

F. The Department of Justice and the PSC, with the union representatives from both unions, explore ways of removing the barriers between the two unions that represent Correctional Services employees. It is recommended that discussions start by April 1, 2005.

G. Correctional Services develop mechanisms, by June 30, 2005, to improve the lines of communication between head office and field staff, and between management and other staff and that Correctional Services monitor to ensure that these mechanisms are implemented and result in improved communication.

H. By April 1, 2005, the equity manager function in Correctional Services become a full-time position reporting directly to the Executive Director of Correctional Services.

I. The Deputy Minister meet with the advisory committee on April 30, 2004, to discuss the report and clarify any issues.

J. The Deputy Minister prepare an official response to the report by June 30, 2004.

K. The Deputy Minister meet with advisory committee members in early December 2004, to report on the progress in implementing the recommendations in the Correctional Services Employment Systems Review report.

L. Progress reports be prepared every six months and be made available to advisory committee members and Correctional Services staff.

M. The Justice HR CSU provide performance management training to all Correctional Services staff and work with staff on the development of appropriate equity performance goals. It is recommended that training be provided to management and supervisory staff by March 31, 2005, and to the other Correctional Services staff by December 31, 2005.

N. By April 1, 2005, the performance goals for the management team in Correctional Services reflect the implementation of the recommendations in this report.

O. By March 31, 2005, the Justice HR CSU provide the Correctional Services management team (including the executive director, directors, superintendents, deputy superintendents, captains and senior probation officers) as intact groups, with training on diversity, on dealing with cultural and gender issues, and on how to communicate follow-up to this report. It is recommended that no management be excluded from this training.

P. The Department of Justice establish a position, by August 1, 2004, to take the lead on the implementation of the recommendations in the Correctional Services Employment Systems Review report and to work closely with, support the work of, and help develop the Correctional Services Equity Manager position and the Correctional Services Equity Committee.

Q. The Department of Justice fill this designated lead position through a competition process, based on the Fair Hiring Policy.

R. Correctional Services undertake another employment systems review in 2009.

S. Correctional Services explore mechanisms to measure, annually, starting in the fall of 2005, attitudes on perceptions of fairness and equity in employment systems.

**Recruitment System**

1.1 The Justice HR CSU or Correctional Services provide training, by March 31, 2006, on how to use computers to access job postings on the government website to all Correctional Services staff who require it.

1.2 Correctional Services ensure that a generally accessible computer(s) be made available, by January 1, 2005, for use by all Correctional Services staff within the facilities so they have access to online job postings.

1.3 Correctional Services work with Information Technology to ensure that all Correctional Services staff have appropriate user IDs to access these computers by January 1, 2005.

1.4 Correctional Services ensure that all worksites have accessible sealed bulletin boards, by September 1, 2005, where job postings are placed, and that these bulletin boards be placed at a level suitable for all people, for example, people in wheelchairs.

1.5 The Justice HR CSU provide job postings in Braille, or large-print format, to people who are visually impaired and/or provide appropriate computer programs for Correctional Services staff who are visually impaired, as required.

**1.6 Correctional Services implement a program, by December 31, 2004, for hiring designated group members, by utilizing the Affirmative Action casual inventory, other similar programs, and external recruitment and report on the progress of this program every six months.**

**1.7 The Correctional Services Equity Committee, in co-operation with the Justice HR CSU, develop a strategy and a plan, by June 30, 2005, to ensure that recruitment in Correctional Services in the Department of Justice is targeted towards women and other designated group members.**

1.8 Beginning in January 2005, Correctional Services designate positions to be filled only by designated group members.

1.9 The Justice HR CSU and Correctional Services undertake reviews every three to five years, beginning in September 2004, of all job descriptions and job postings and post the job descriptions online and on bulletin boards so staff have access to them.

1.10 The Justice HR CSU and Correctional Services review all qualifications for all Correctional Services positions to ensure that there are no barriers, such as education. It is recommended that the review begin by January 1, 2005, and be completed by June 1, 2005.

1.11 Starting in June 2005, the Justice HR CSU or the Correctional Services Equity Committee regularly audit the Correctional Services job postings and job descriptions to ensure that the qualifications are applied consistently and report on the findings of these audits.

1.12 The Justice HR CSU and Correctional Services develop questions and answers (Q&As), by September 1, 2005, on frequently asked questions for each job and ensure that the Q&As are accessible to potential candidates.

1.13 The Justice HR CSU provide training, by December 31, 2005, to potential contact people so they know how to respond to applicants without introducing potential biases into the recruitment and selection processes.

1.14 By September 1, 2005, the photo, phone numbers, e-mail address, and mailing address of the human resources consultant for Correctional Services be posted in the sealed bulletin boards next to the job postings.

1.15 As part of the review of the job postings and job descriptions (recommendation 1.9), the Justice HR CSU, utilizing the services of a specialist or consultant, examine by June 30, 2005, all job postings and job descriptions to ensure that there are no cultural or gender biases.

1.16 Correctional Services and the Justice HR CSU, utilizing the services of a specialist or consultant, examine all illustrated materials used by Correctional Services in recruiting to ensure that there are no cultural or gender biases. It is recommended that this review and any changes to the illustrated material be completed by June 30, 2005.

**1.17 The Justice HR CSU review and update, by December 31, 2004, the training received by human resources staff and Correctional Services staff involved in the recruitment and/or selection process and ensure that they all have current training in human rights and other employment-related legislation by December 31, 2005.**

1.18 The Justice HR CSU work with a specialist or consultant to develop a list of the training that would be considered relevant for inclusion in the review called for in recommendation 1.17.

1.19 The Justice HR CSU and/or Correctional Services provide more education around disability issues to all Correctional Services staff, including those responsible for recruitment and/or selection. It is recommended that staff involved in recruitment and/or selection receive the education by December 31, 2005, and the remaining staff by September 1, 2006.

1.20 The Justice HR CSU develop a checklist, by January 1, 2006, to assist interview panels in ensuring that applicants with disabilities have the accommodations they require for the interview.

1.21 The Justice HR CSU and Correctional Services review all positions to determine the physical requirements necessary to do the job and modify the job descriptions and job postings accordingly by September 1, 2006.

1.22 Correctional Services communicate, by December 31, 2004, to Local 480 members and their supervisors which *Manual 500* policies apply to them and the impact of these policies on their employment.

1.23 The Department of Justice request clarification from the PSC, by September 30, 2004, as to the application to government employees of the sign language interpreter policies.

1.24 By January 1, 2005, Correctional Services ensure that all expressions of interest and secondments are posted and that a consistent process is used across all locations for determining the location of postings for these opportunities.

1.25 Starting January 2005, the Justice HR CSU regularly audit the processes used for posting expressions of interest and secondment opportunities to ensure that unnecessary restrictions are not put on the locations of the postings.

1.26 Beginning in September 2004, the PSC provide education to the Justice HR CSU on the Affirmative Action Policy and provide resources to help implement the policy in the Department of Justice.

**1.27 The Department of Justice be held accountable for implementing the Affirmative Action Policy by March 31, 2005.**

1.28 Effective immediately, all new Local 480 staff be provided with the PSC's workforce survey.

1.29 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC report departmental-level results of the workforce survey on its website and inform departments that this information is available.

**1.30 Consultations be held between the union and the employer, by July 31, 2004, as to actions that may be taken to minimize the impact that seniority and other clauses in the collective agreements may have on designated group members.**

**1.31 Correctional Services and the Justice HR CSU ensure that all Correctional Services staff involved in recruitment and selection have completed the most current recruitment and selection training by December 31, 2005, and that they retake the training every three to five years.**

1.32 The Justice HR CSU review the training materials and curriculum for recruitment and selection training every three to five years.

1.33 By December 31, 2005, Correctional Services update the Correctional Services *Policies & Procedures Manual* to include or reflect the content of the *Recruitment and Selection* binder, and/or that the Justice HR CSU include the *Recruitment and Selection* binder on their website.

1.34 Correctional Services review the requirement for a completed medical form being a condition of employment in conjunction with the physical demands analysis (recommendation 1.21) and include any necessary revisions in the *Policies & Procedures Manual* by September 1, 2006.

1.35 Correctional Services review the need for candidates to be first aid/CPR certified as a condition of employment within Correctional Services with a view to removing or being flexible in the requirement by September 1, 2006.

1.36 The Department of Justice recommend to the PSC, by September 30, 2004, that they undertake a study on the feasibility of providing the PSC application form in alternative formats, such as Braille.

1.37 The Department of Justice recommend to the PSC, by September 30, 2004, that they undertake a study on the use of online application forms to determine if there are any biases, either for or against candidates using online application forms, and review the user-friendliness of the online application forms.

**Selection System**

2.1 Correctional Services ensure that front-line staff setting up interviews have human rights training by March 31, 2006.

**2.2 Beginning September 1, 2004, the Justice HR CSU human resource consultants participate in all job interview panels where the other panel members have not received the most-current recruitment and selection training.**

2.3 The Justice HR CSU ensure that the recruitment and selection training covers the specific issues identified in the Correctional Services Employment Systems Review by December 31, 2004.

**2.4 Correctional Services ensure that all interview panels include females and other members of the designated groups. Where this is not accomplished the chair of the interview panel is to complete an exception report that is to be submitted to human resources as part of the documentation for the competition. It is recommended that a standard format for the exception report be developed by the Justice HR CSU and implemented by September 30, 2004.**

2.5 The Justice HR CSU, utilizing the services of a specialist or consultant, examine, by March 31, 2006, all interview questions and other forms of testing, as well as the possible answers to these questions, to ensure that there are no cultural or gender biases.

2.6 The Justice HR CSU maintain the current practice of reviewing the results of background checks on a case-by-case basis, ensuring that it is done in a fair and equitable manner.

2.7 The Justice HR CSU ensure that appropriate background check forms are developed and implemented, by March 31, 2005, for each Correctional Services position as it relates to the bona fide job requirements for that position.

2.8 The Justice HR CSU and the management staff of the Correctional Services division meet to review the probationary articles in the NSGEU Master Collective Agreement to ensure that there is a consistent interpretation of the articles and to develop and implement a policy for applying the flexibility permitted in the collective agreement.It is recommended that the policy be implemented by March 31, 2006.

2.9 The Justice HR CSU review, by December 31, 2004, the probing questions examples on pages 64 and 65 of the *Recruitment and Selection* binder to determine whether they should be eliminated or revised in consideration of designated groups.

2.10 The Department of Justice recommend to the PSC, by September 30, 2004, that the phrase "in the best interests of the Civil Service" be removed from section 17 of the Civil Service Act and that section 17 be reviewed to determine if it is still required.

2.11 The Department of Justice recommend to the PSC, by September 30, 2004, that the Fair Hiring Policy be put into legislation.

2.12 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC update section 22 of the Civil Service Act to be consistent with federal legislation.

2.13 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC update section 23 of the Civil Service Act to be consistent with federal legislation.

**Retention System**

**3.1 The Justice HR CSU, in co-operation with Correctional Services, undertake a needs assessment of the training needs of managers and supervisors, including acting managers and supervisors, regarding performance management, leadership, policies and procedures, and standard operating procedures, by December 31, 2004, and provide training by December 31, 2005.**

3.2 Starting January 2005, Correctional Services undertake "consistency discussions" at regular supervisor and manager staff meetings.

3.3 By December 31, 2006, Correctional Services review all the policies and procedures with the intent of determining the risk of improper application of each one and to develop a plan for monitoring the application of these policies and procedures.

3.4 By December 31, 2006, Correctional Services develop consistent, specific guidelines with respect to staff dress, with site-specific requirements, that include dress codes for uniformed versus non-uniformed staff, dress while attending training courses, and with respect to gender differences.

3.5 Correctional Services review, by December 31, 2006, the requirements for participation on response teams at each location and train and use all facility-based staff as response team members, except for staff who are on light or modified duties and staff who are pregnant.

3.6 By January 2005, Correctional Services make the research on programing needs for women offenders and girls known to staff and that Correctional Services regularly review the research to ensure that current standards for programming needs are being used.

3.7 By September 30, 2006, Correctional Services and the Justice HR CSU provide wellness and the respectful workplace training to more staff, not just full-time staff, to address teamwork and respect for each other.

3.8 By December 31, 2005, the Justice HR CSU deliver the respectful workplace training to all superintendents and all other Correctional Services managers as a group(s).

3.9 By December 31, 2005, the Department of Justice develop and implement a bullying policy.

**3.10 Correctional Services restate the term "zero-tolerance" and re-emphasize and communicate the policies and procedures related to zero-tolerance, intimidation, and sexual harassment and no discrimination, by September 30, 2004.**

3.11 Correctional Services re-emphasize the section of the Code of Professional Conduct regarding respect by September 30, 2004.

3.12 By April 1, 2005, Correctional Services and the Justice HR CSU undertake a pilot project in Correctional Services to explore the use of job sharing and flex time in a 24-hour, 7 days a week, operation site, with the intent of encouraging more accommodation around job sharing and flex time.

3.13 By December 31, 2006, Correctional Services and the Justice HR CSU provide communication and training for supervisory staff on the application of various types of special leaves.

3.14 Starting January 1, 2007, Correctional Services ensure that denials for special leaves of absence are fully explained to the staff person.

3.15 By December 31, 2005, Correctional Services and the Justice HR CSU review the application of penalties as they relate to the Sexual Harassment and No Discrimination Policy and make changes as required.

**3.16 Correctional Services develop strategies, by December 31, 2005, to ensure that consistent accountability across the province, e.g., independent investigations of incidents, in relation to the Sexual Harassment and No Discrimination Policy.**

3.17 Occupational health and safety committee training be provided to all management and union committee members by March 31, 2005.

3.18 Occupational health and safety committees review the occupational health and safety policies and procedures for possible adverse impacts on designated group members by December 31, 2005.

3.19 By March 31, 2006, the Department of Justice Facilities Manager review all Correctional Services offices and facilities for accessibility, making recommendations for changes where required.

3.20 Correctional Services develop a formal policy or practice by December 31, 2004, for the occupational health and safety consultant to access occupational therapists to assist staff in accessing technical aids.

3.21 Correctional Services ensure that all Correctional Services staff know about this policy or practice by March 31, 2005.

3.22 **Correctional Services and the Justice HR CSU establish and implement a process for undertaking exit interviews within Correctional Services by March 31, 2005. It is recommended that information from the exit interviews be posted on the Justice HR CSU website quarterly, starting in June 2005.**

3.23 Correctional Services and the Justice HR CSU review the PSC staff survey results, within three months of when they become available, to determine if follow-up is required on any of the issues that may arise around employment systems used in Correctional Services.

3.24 Correctional Services provide education to all staff with respect to the travel policy by December 31, 2006.

3.25 By December 31, 2005, the Department of Justice review the PSC's relocation policy to determine if it has an adverse impact on Department of Justice staff applying for promotions or transfers with the Department of Justice and make recommendations for changes, if required.

3.26 The Department of Justice ensure that the annual review of personal protection policies and procedures includes a review from the perspective of its possible impact on designated group members, starting with the next annual review.

3.27 **Correctional Services undertake a review of the Code of Professional Conduct, by March 31, 2005, including Correctional Services staff from all levels and the union in the review process.**

3.28 By December 31, 2004, the Executive Management Employment Relations Committee, within Local 480, discuss the issue of designated group representation within the union executive and among union stewards and develop recommendations to make them more diverse.

3.29 With respect to civil servants, the Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU determine a means by which to have a discussion regarding the designated group representation within the union executive and among union stewards and develop recommendations to make them more diverse.

3.30 Starting October 1, 2005, Correctional Services monitor the application of the policies on leaves and absences to ensure that they are applied consistently.

3.31 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC review the Attendance Management Policy to determine if it has any adverse impact on persons with disabilities.

3.32 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU discuss the application of bereavement leave with respect to diverse groups.

3.33 In the current negotiations, the Department of Justice and Local 480 address the inclusion of article(s) for pregnancy, adoption, and parental leaves, in the Local 480 Collective Agreement.

3.34 By December 31, 2004, the Department of Justice and Local 480 discuss the application of bereavement leave with respect to diverse groups.

3.35 Issues arising from the overall administration of sick leave continue to be addressed by the Joint Rehabilitation Committee of Local 480.

3.36 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU consider establishing a committee similar to the Joint Rehabilitation Committee of Local 480 to discuss issues arising from the overall administration of sick leave.

3.37 By December 31, 2004, the Department of Justice and Local 480 discuss the application of holiday articles in the collective agreement with respect to diverse groups.

3.38 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU discuss the application of holiday articles in the collective agreement with respect to diverse groups.

3.39 By March 31, 2006, critical incident stress management team members have representation from the designated group members and receive critical incident stress management training.

3.40 By December 31, 2005, the Nova Scotia Youth Facility develop a system that is fair and equitable for calling out casual staff, using casual staff to replace longer-term temporary vacancies, and the distribution of hours for casual staff.

**Training and Development System**

4.1 Correctional Services and the Justice HR CSU review, by March 31, 2005, their training and development policies to see if they are based on employment equity principles and revise the policies as needed.

4.2 Starting in January 2005, the information on training and development opportunities (provided by the PSC, the Justice Learning Centre, the Justice HR CSU, and Correctional Services) be posted, for example, on the Intranet and bulletin boards, so staff within Correctional Services are aware of these opportunities.

**4.3 Correctional Services, in co-operation with the Justice HR CSU, undertake a needs assessment of staff's training needs by September 30, 2005.**

4.4 Correctional Services and the Justice HR CSU consider the allocation of some training money for casual and part-time staff, on a case-by-case basis, starting in the 2005–2006 fiscal year.

4.5 Correctional Services and the Justice HR CSU ensure that all training locations are accessible to persons with disabilities by January 1, 2006.

4.6 By March 31, 2006, Correctional Services and the Justice HR CSU explore mechanisms for providing staff with career counselling and start providing career counselling during the 2006–2007 fiscal year.

4.7 Starting in January 2005, Correctional Services provide more information in the expression of interests for staff trainers and provide a contact number for follow-up questions.

4.8 By April 1, 2006, all training conducted by Correctional Services be provided by instructors who have received the training program and are qualified to teach the program.

4.9 The Department of Justice recommend to the PSC, by September 30, 2004, that the training policy be revised to remove the criteria that employees be selected for developmental training on the basis of "developmental initiatives taken independently by the employee."

4.10 By December 31, 2004, the Department of Justice recommend that the NSGEU review the clause in the Local 480 Collective Agreement that limits the annual contribution for training to $3,000, see Article 37(2).

**4.11 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC set "refresher" standards for the diversity and employment equity and the sexual harassment and no discrimination training.**

4.12 Starting with an audit of the 2004–2005 training year, by June 30 of each year, Correctional Services complete an annual audit of their previous year's mandatory training to ensure that all staff required to take the mandatory training have completed the training.

**Promotion/Upward Mobility System**

5.1 Starting with the 2005–2006 fiscal year, Correctional Services ensure that annual performance appraisals are completed for all staff.

5.2 Starting with the 2005–2006 fiscal year, the performance appraisals of managers and supervisors have a performance goal of completing annual performance appraisals on all staff who report to them.

**5.3 Correctional Services management staff receive training, by March 31, 2005, on how to recognize the extra efforts staff put into their job and report this in the performance appraisal process, for example, participation on joint occupational health and safety committees and other committees.**

**5.4 Correctional Services management staff receive training, by March 31, 2005, on how to be sensitive to cultural and gender issues in the application of performance management.**

5.5 The Justice HR CSU review, by December 31, 2004, the performance management training curriculum to determine if it needs to be updated to reflect cultural and gender issues.

**Layoff, Recall, Disciplinary Action, and Termination Systems**

6.1 Starting January 2, 2005, at the time of hiring, all casual staff be made aware of the mandatory layoff per the Labour Standards Code.

**6.2 The Justice HR CSU include the information on layoffs, recall, disciplinary action, and terminations as part of the orientation package that goes to staff when they are first hired, and that this be included with the orientation package by January 15, 2005.**

6.3 The Department of Justice review, by September 30, 2004, the processes used during the layoff of staff at the Shelburne Youth Facility to determine what worked well and what can be improved in the future.

6.4 The Department of Justice recommend to the PSC, by September 30, 2004, that the Transition Support Program be reinstated.

6.5 The Department of Justice recommend to the PSC, by September 30, 2004, that medical insurance coverage for staff who are laid off continue for as long as they are on the recall list.

6.6 Correctional Services ensure that EAP brochures are made available to all Correctional Services staff by December 31, 2004.

6.7 The Department of Justice recommend to the PSC, by September 30, 2004, that the language in section 91 of the General Civil Service Regulations be amended to remove the words "because of physical or mental incapacity."

# Introduction

## Correctional Services

### Background

The Correctional Services Division of the Department of Justice consists of three sections Correctional Facilities (adult and youth facilities), Community Corrections, and Program Services. The division is responsible for the administration and operation of five adult provincial correctional facilities, two youth facilities, and 16 community corrections offices, which provide supervision services to both adult offenders and young persons.

The Province of Nova Scotia assumed responsibilities for the administration and operation of county jails in 1986. At that time there were 13 jails. Three of the original county jails are still being used as provincial adult correctional facilities today. These facilities were constructed between 1862 and 1975. The Central Nova Scotia Correctional Facility opened in October of 2001. A new facility, the Southwest Correctional Facility, which replaces the Yarmouth Correctional Facility, opened on March 1, 2004.

There is one youth facility operating in Nova Scotia and one youth detention facility. The Nova Scotia Youth Facility was opened in 1988 in Waterville. The Shelburne Youth Facility closed on April 1, 2004. The Cape Breton Youth Detention Facility is a small facility intended to hold young persons in custody for short periods of time while they are waiting to appear in court or to be transferred to a youth facility.

In the 2003–2004 budget estimates, Correctional Services had 615.7 funded

**Correctional Services Facility and Office Locations**

Youth Facilities
- Nova Scotia Youth Facility, Waterville
- Cape Breton Youth Detention Facility, Glace Bay

Adult Facilities
- Antigonish Correctional Facility, Antigonish
- Cape Breton Correctional Facility, Sydney
- Central Nova Scotia Correctional Facility, Dartmouth
- Cumberland Correctional Facility, Amherst
- Southwest Correctional Facility, Yarmouth

Community Corrections Offices
- Amherst, Annapolis, Antigonish, Bedford, Bridgewater, Dartmouth, Glace Bay, Halifax, Kentville, New Glasgow, North Sydney, Port Hawkesbury, Shelburne, Sydney, Truro, Yarmouth

staff. Due to the nature of the 24-hour, 7 days a week, operation of correctional facilities, Correctional Services employs a number of part-time and casual staff. On the community corrections side, there are a number of assistant probation officers around the province who are paid on a fee-for-service basis.

There are two bargaining units within Correctional Services. The Nova Scotia Government and General Employees Union (NSGEU) Master Collective Agreement covers bargaining unit staff in community corrections and at the youth facilities. The NSGEU Local 480 Collective Agreement covers bargaining unit staff at the adult facilities.

**Equity in Correctional Services**

Correctional Services is supportive of achieving employment equity for all employees and achieving equity within correctional services. A number of initiatives that support equity have been undertaken over the last 14 years:

- 1990: establishment of a Black Liaison Officer position
- 1993: a province-wide Black Staff Focus Group – with several staff from the Correctional Service of Canada
- 1994: a Black Staff Needs Analysis
- 1996: a second province-wide Black Staff Focus Group
- 2000: establishment of the Black Liaison Committee
- 1996–2003: sponsorship of a table at the African Canadian Gala during African Heritage Month – in recognition of the contribution that staff make to staff and offender projects during African Heritage Month
- 2003: establishment of an equity manager function and an equity committee within Correctional Services
- 2003: establishment of the Morton Simmonds Scholarship for two African-Canadian students enrolled in the correctional workers' program at the Nova Scotia Community College

The general responsibilities of the newly formed equity committee include

- promoting sensitivity to the equity and program needs of offenders in relation to gender, religion, culture, race, and physical abilities
- recommending strategies for the recruitment, training, and career development of staff, with particular sensitivity to gender, religion, culture, race, and physical abilities
- providing advice regarding the adequacy of harassment policies, which involve both staff and offenders

Membership on the equity committee is currently being finalized, and the work of the equity committee is expected to start in the spring of 2004.

## Why an Employment Systems Review?

In Nova Scotia our workforce continues to change; workers are getting older and are reaching the retirement age. It is important that organizations, such as Correctional Services, retain good employees and attract future employees by treating their staff in a fair and equitable manner. An effective mechanism for accomplishing this is by having a diverse workforce where the diversity is recognized and respected. Diversity acknowledges and values differences in people, such as differences in age, gender, abilities, ethnicity, and so on. A diversity management strategy "is the planning, developing and managing of human resources while acknowledging and valuing the difference all employees bring to the workforce."[1] An effective diversity strategy will not only make the work environment better for the employees, it will also make the environment better for the clients of Correctional Services.

Achieving employment equity in Correctional Services means that

- all people have equal opportunity to exercise their full potential
- no one is denied employment and career opportunities for reasons unrelated to their abilities
- legitimate needs of people in the workplace are accommodated
- no arbitrary obstacles in the employment systems' policies, practices, and procedures stand between a person's potential and their opportunity to exercise their potential[2]

Although a number of initiatives have been put in place it is important to determine if there are "systemic barriers" in the employment policies, practices, and procedures used within Correctional Services. These are barriers that affect the system as a whole and result from policies, practices, and procedures that have the effect of excluding different groups or people with shared identities, such as race, age, and gender. They are subtle, sometimes difficult to detect, and are based on policies, practices, and procedures that are not related to the job or required for the safe and efficient operation of the organization.
One mechanism to help Correctional Services achieve employment equity for all is to undertake an employment systems review. Employment systems are the policies, practices, and procedures used to recruit, hire, pay, manage, and develop human resources in an organization. An employment systems review is a comprehensive examination of written and unwritten, formal and informal, employment policies, practices, and procedures to identify and permit the removal of systemic and attitudinal barriers to employment opportunities for persons in the designated groups. An employment systems review provides an organization with information on what is working well and what areas require improvement.

1. Source: PSC presentation to the Correctional Services Advisory Committee, January 7, 2004.
2. Public Service Commission of Canada, *Staffing Module C – Employment Equity*.

**DESIGNATED GROUP MEMBERS**

Aboriginal Peoples
- North American Indian, Inuit, or Métis

Racially Visible Peoples
- Black; East Asian; South Asian; Southeast Asian; West Asian/Arab; Latin, South, or Central American; Pacific Islands

Persons with Disabilities
- Those with a permanent disability due a long-term physical or mental condition, or health problem

Women
- In positions where they are under-represented, for example, correctional workers

The designated groups are those identified by the Nova Scotia Public Service Commission (PSC), namely, aboriginal peoples, persons with disabilities, racially visible persons, and women. The PSC's workforce survey further defines the characteristics of the designated groups. This workforce survey was included as a component of the Correctional Services Employment Systems Review Employee Survey (see Appendix B for more details).

Affirmative action refers to strategies, plans, and programs to help remove barriers to designated group members. The Affirmative Action Policy of the Nova Scotia Government states that "each department, agency, board and commission will conduct an employment systems review to identify and remove barriers to employment, retention, and advancement for members of the designated groups."[3]

## Goals and Objectives

The overall goal of the Correctional Services Employment Systems Review is to ensure that the employment policies, practices, and procedures of the Correctional Services Division promote equity in the workplace, consistent with the expectations of the Public Service Commission with respect to all government departments, agencies, boards, and commissions. The review will identify any barriers to achieving that goal and will make recommendations for overcoming them. (See Appendix A for the terms of reference for the review.)

All aspects of Correctional Services, i.e., administration, community programs, and youth and adult facilities, are included in the review.

3. Source: Province of Nova Scotia, "Affirmative Action Policy," *Human Resources Management Manual 500*, 2003.

The specific objectives of the Correctional Services Employment Systems Review are to

- examine written and unwritten, formal and informal, employment policies, practices, and procedures in Correctional Services, in the following employment systems: recruitment, hiring,[4] selection, retention, career development, promotion, discipline, and termination
- provide advice to Correctional Services on the duties of the equity manager function, which will assist in overseeing the implementation of initiatives designed to bring about substantive equity
- provide advice on the adequacy of existing anti-harassment policies and on changes if improvement is required

While undertaking the employment systems review additional information will be gathered to provide advice on the best method to ensure that employment equity and equity in service delivery are incorporated into the performance management system.

4. Discussion and analysis of the hiring system will be captured as part of the recruitment and selection systems.

## PROCESS AND METHODOLOGY

### The Employment Systems Review Tool

The Correctional Services Employment Systems Review uses a tool that was developed by the federal government for the Federal Contractors Program. The tool has been used by both public and private organizations throughout Canada and internationally (as far away as South Africa).

The tool is straightforward and comprehensive. It allows for an analysis of the various employment systems, including itemized checklists for each system and a review of documents that relate to the various employment systems.

The Correctional Services Employment Systems Review looks at six employment systems:

- recruitment
- selection, which includes hiring
- training and development, also referred to as career development
- upward mobility, also referred to as promotion
- conditions of employment that have an impact on the retention of employees
- layoff, recall, disciplinary action, and termination

All of these systems work together to see the employee through their career within Correctional Services. The employment systems are also interrelated; for example, one would expect that training and development would affect promotional opportunities.

The review does not look at the job evaluation, compensation, and benefits employment systems. These systems relate to how salaries and benefits of employees are determined. Currently there are initiatives that are reviewing these government-wide, and it was felt these initiatives were better suited to addressing issues related to salaries and benefits.

For each employment system included in the Correctional Services Employment Systems Review there is

- an explanation of the **purpose** of the system
- a yes/no **checklist** of employment equity policies and practices
- an **analysis** of each of the checklist items
- a **review of relevant documents** such as policies, procedures, legislation, training material, and collective agreements
- **recommendation(s)**, when appropriate

The following criteria were used to analyse each system:

- **Legality** Does the policy, practice, or procedure conform to applicable human rights and employment laws?
- **Consistency** Is the policy, practice, or procedure applied in a consistent manner?
- **Adverse impact** Does the policy, practice, or procedure have a negative impact on any designated group?
- **Validity** Is the policy, practice, or procedure objective, and does it do what it is intended to do?
- **Job-relatedness** Is the policy, practice, or procedure based on bona fide occupational requirements?
- **Business necessity** Is the policy, practice, or procedure necessary for the safe and efficient operation of Correctional Services?

## Data Collection Strategies

An essential component of an employment systems review is consultation with employees. Employees' perceptions of what happens in practice are an important factor in determining if employment systems are fair or perceived to be fair.

A number of strategies were used in the Correctional Services Employment Systems Review to obtain the information necessary to complete the checklist items and document review, while allowing opportunities for input from Correctional Services staff. These included

- an employee survey
- interviews and focus groups
- document review

### Employee Survey

The employee survey provides a workforce profile for Correctional Services and gives information on employees' experience with and perceptions of the various employment systems. This information was used in the analysis and completion of the checklist items for each employment system. The analysis includes the identification of any differences between the designated and non-designated groups, differences between worksites, and differences between management and non-management employees.

The survey includes a section where Correctional Services employees identify if they are a designated group member. The questions used for this part of the survey are the same as those questions used by the PSC in its workforce survey (see questions 2 to 4 in the employee survey, Appendix B).

Prior to pre-testing the survey, it was distributed to staff in the Justice HR CSU and the NSGEU for comment.

A total of 19 employees were randomly selected to participate in the pre-test of the employee survey. Of the employees selected, 15 were contacted and agreed to participate in the pre-test. Those who were not contacted were not available due to their work schedules or because they were on special leave.

The surveys were sent to those who agreed to participate in the pre-test from September 19 to 24, 2003. All of those employees completed and returned the survey. Respondents found the survey to be clear and easy to understand. They did not feel uncomfortable about completing any part of the survey and found it took about 10 minutes to complete. No changes were made to the questionnaire as a result of the pre-test.

In early October 2003, the final employee survey was distributed to 688 Correctional Services employees. Correctional Services staff who were on long-term disability or special leave for more than six months and all Shelburne Youth Facility staff who were on long-term disability were excluded from the survey.

An envelope was prepared for each employee, including a covering letter from the Deputy Minister, the questionnaire, and a return envelope addressed to the Manager, Employment Systems Review. These were grouped by correctional facility, community corrections office, and head office and were sent, on October 2, 3003, to the superintendent, senior probation officer, or executive director for distribution to their staff. Recipients were asked to distribute the envelopes by Wednesday, October 8, 2003. Employees were asked to complete the survey by Wednesday, October 15, 2003. Responses to the survey were still being received in December 2003.

A section below outlines the general findings of the employee survey. The remainder of the findings are included in the analysis of the relevant employment system.

**Interviews and Focus Groups**

In addition to the employee survey, additional information was gathered through face-to-face interviews and focus groups with selected individuals or groups. The individuals and groups were selected from the following management (including line managers), front-line staff, staff who were on job interview panels, staff involved in human resources issues, the Correctional Services equity manager, staff involved in training and development, and individuals in designated groups.

Participants in the interviews and focus groups were selected based on their willingness to participate[5] and to have a representative cross-section of staff. In some facilities or offices no staff indicated a willingness to participate, or scheduling conflicts prevented staff from participating. In these instances, senior staff were contacted and asked if they could help select staff to participate in the interviews and/or focus groups.

To respond to the checklist items it was determined that certain groups could respond to certain issues better than others, therefore, separate interview guides were developed for the following

- Focus groups: No management staff were included in the focus groups
- Management staff: Senior probation officers were considered managers for the purposes of data collection
- Staff involved in human resource issues: Staff involved in human resources issues included staff from the Justice HR CSU (past and present) and staff of Correctional Services who were responsible for human resource issues (such as recruitment and selection)
- Staff who were members of job interview panels: Both management and non-management staff
- Training staff

The specific interview guides can be found in Appendices C to G. Some of the questions were asked of more than one group.

Focus groups and interviews were held in five main locations throughout the province: Waterville, Shelburne, Halifax, New Glasgow, and Sydney. In addition, meetings were also held in Antigonish and Amherst to accommodate participants' schedules. A total of 57 individuals participated in the interviews and focus groups.

The findings from the interviews and focus groups are included in the analysis of the relevant employment system.

**Document Review**

The documents reviewed consisted of written employment policies and procedures used by Correctional Services, including anti-harassment policies. These included Government of Nova Scotia human resources policies (*Manual 500*), the NSGEU Master Collective Agreement, the NSGEU Local 480 Collective Agreement, the Civil Service Act and General Civil Service Regulations, Correctional Services *Policies & Procedures Manual*, and correctional facilities standard operating procedures. In some cases information was collected during the data collection process to determine how these policies and procedures are used in practice.

5. Participants were asked on the employee survey if they would participate in a focus group or face-to-face interview.

The Manager, Employment Systems Review, and the Public Service Commission's Diversity Consultant reviewed the documents. An inventory identified that there were too many documents to review in the time frame allotted for the project. Due to the time constraint, the document review focused mainly on Correctional Services policies and procedures, departmental and Nova Scotia government policies, and documents related to issues identified during the consultation process. Appendix H lists all the documents and sections that were reviewed, as well as document and sections that should be reviewed.

**Advisory Committee**

A Correctional Services Employment Systems Review Advisory Committee was established to provide input into the analysis of the information collected. The advisory committee was also responsible for developing recommendations to overcome any barriers identified. The advisory committee had its first meeting on January 7, 2004, and met weekly until February 13, 2004.

The advisory committee included representatives from the various Correctional Services sites across the province and different job positions within Correctional Services, as well as human resources, union, and PSC representatives.

**Advisory Committee Membership**

- Scott Borden, Probation Officer, Halifax Community Corrections Office
- Heather Chandler, Diversity Consultant, Public Service Commission
- Dan Cormier, Cook, Shelburne Youth Facility
- Rory Hancey, Labour Relations Manager, Department of Justice (DoJ)
- Diana MacKinnon, Director, Correctional Services Division, DoJ
- Terry Mills (Chair), Manager, Employment Systems Review, DoJ
- Mary Ellen Paul, Probation Officer, Sydney Community Corrections Office
- Melanie Avery Sheppard, Youth Worker, Nova Scotia Youth Facility
- Jeannette Smith, Director, HR CSU, DoJ
- Laurie Ann Sparks, Correctional Worker, Central Nova Scotia Correctional Facility
- Grant Vaughan, Employee Relations Officer, NSGEU
- Larrie Wright, Equity Manager, Central Nova Scotia Correctional Facility
- Larry Worthen (Facilitator), Human Resources Development Consultant, HR CSU, DoJ

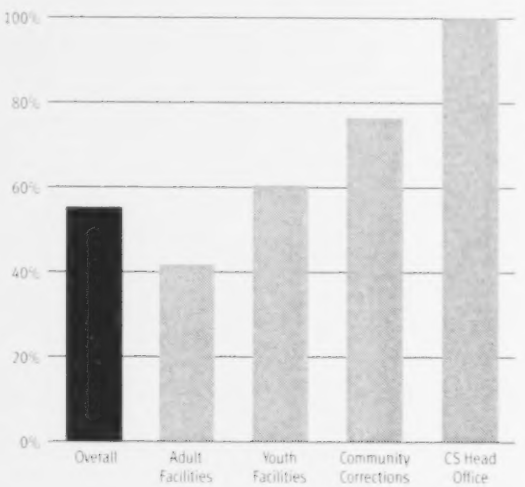
# Employee Survey General Findings

This section of the report presents the general responses to the employee survey, such as response rates and demographics of the respondents. The responses to the other specific questions in the employee survey are reported in the relevant sections on the analysis of the employment systems. Only comparisons between designated and non-designated groups, worksites, and management and non-management that are statistically significant are mentioned in the analysis.

## Response Rates

The employee survey was sent to 688 Correctional Services staff. A total of 380 staff completed and returned the questionnaire, for an overall response rate of 55.2 per cent. The response rate is highest from the head office of Correctional Services and lowest in the adult facilities (see Table 1, Appendix I).

**Response Rates to Employee Survey**




Over one-third, 37.6 per cent, of all respondents are from adult correctional facilities, and almost one-third, 31.6 per cent, from the youth facilities. The next largest group is from community corrections, 26.6 per cent of all respondents. Respondents from head office represent 4.2 per cent of all responses.

## Designated Group Representation

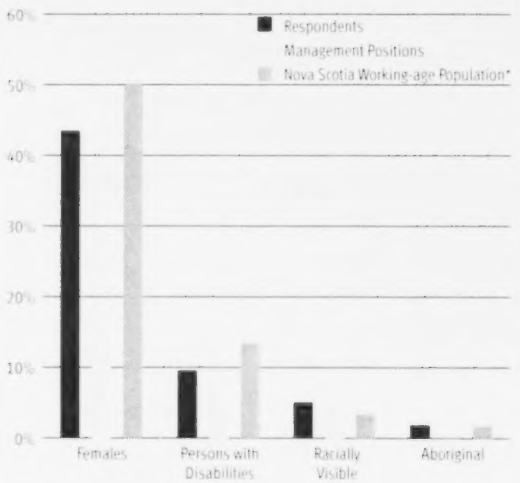
Respondents were asked to self-identify if they are a member of a designated group using the same questions used in the PSC's workforce survey.

Just under half, 43.4 per cent, of the respondents are females, this compares to 50.2 per cent of the working-age population in Nova Scotia. The representation of females in management positions is much lower, with only 17.0 per cent of respondents who are management being females (see Table 2, Appendix I).[6]

6. Senior probation officers are considered as management for this project as they supervise staff.

**PERCENTAGE IN DESIGNATED GROUPS**

*Statistics Canada Census 2001

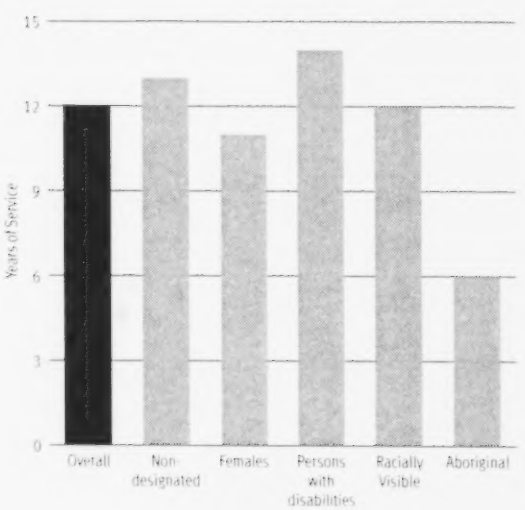



Persons with disabilities are also under-represented, in relation to the Nova Scotia population, with 9.5 per cent of respondents being persons with disabilities, compared to 13.4 per cent of the working-age population. As with females, the percentage of persons with disabilities in management positions, 5.7 per cent, is lower than the overall responses. The types of disabilities reported by respondents include mobility, agility, visual, and hearing impairments; learning disabilities; and mental health disabilities.

Racially visible people have a higher representation in the percentage of respondents, 5.0 per cent, compared to the working-age population of 3.4 per cent. The percentage of racially visible respondents is lower in management positions, with 3.8 per cent of respondents in management positions reporting that they are racially visible. Most of the respondents who self-identified as being racially visible said they are black.

The percentage of respondents who self-identified as being aboriginal, 1.8 per cent, is similar to the working-age population, 1.7 per cent. No aboriginal respondents are in management positions.

**YEARS OF SERVICE WITH CORRECTIONAL SERVICES**




It would be useful to compare the representation of designated group members among the Correctional Services staff to the population that they serve (young people, offenders and probationers). These data are not currently available.

## Length of Service

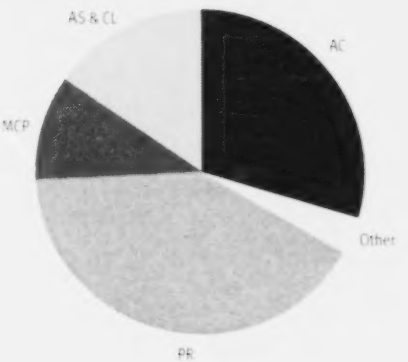
On average, respondents to the employee survey have worked in Correctional Services for over 12 years. Both females and aboriginal people are newer to the workforce in Correctional Services. On

average, females have worked 11 years, while aboriginal people have worked only 6 years (see Tables 3 and 4, Appendix I).

Persons with disabilities have, on average, worked more years in Correctional Services. It is likely that this is a result of the age of persons with disabilities, as the percentage of people with disabilities increases with age.

## Pay Classifications

**RESPONDENTS BY PAY CLASSIFICATION**

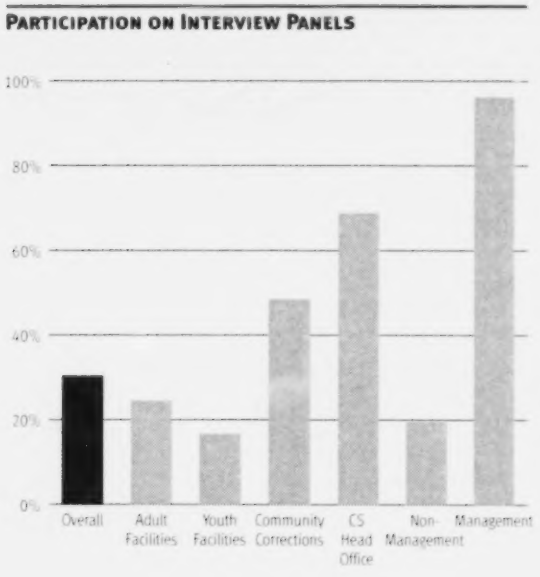



The largest percentage, 41.0 per cent, of respondents are in the PR (professional) pay classification. This classification includes youth workers and probation officers. This is followed by the AC pay classification, which includes staff from the adult correctional facilities, at 29.5 per cent. The secretarial and clerical classifications, AS and CL, represent the third-largest group, with 15.4 per cent of respondents. The last two groups are those in the MCP (management classification pay) levels, 10.4 per cent, and other, which includes MOS and SE (maintenance workers and cooks), 3.7 per cent (see Table 5, Appendix I).

## Employment Status

In terms of employment status (see Table 6, Appendix I)

- almost three-quarters, 74.2 per cent, of the respondents are permanent full-time employees
- 11.6 of the respondents are part-time employees
- 10.5 per cent of respondents are casual staff
- the other respondents are in term, probationary, or other positions




## Participation on Interview Panels

Just under one-third, 30.3 per cent, of the respondents to the employee survey said that they had participated on an interview panel. More staff in Correctional Services head office, than in community corrections or the facilities, reported that they had participated on interview panels. More management than non-management staff have participated on interview panels (see Table 7, Appendix I).

## Participation in Interviews and Focus Groups

Employees were asked on the employee survey if they would like to participate in an interview or focus group. Over one-third of the respondents said that they wanted to participate in an interview and/or focus group – 35.1 per cent said that they would be willing to participate in a focus group, and 36.7 per cent said that they would be willing to participate in an interview (see Table 8, Appendix I). Those respondents who agreed to participate in the focus groups or interviews are similar to those who did not want to participate, with the following exceptions (see Table 9, Appendix I)

- fewer females than males wanted to participate, 31.7 per cent of females compared to 48.1 per cent of males
- more racially visible people than non-racially visible people wanted to participate, 63.2 per cent versus 39.4 per cent, respectively
- more respondents from Correctional Services' head office, 68.8 per cent, than from adult facilities, 46.2 per cent, community corrections, 36.6 per cent, and youth facilities, 34.2 per cent, wanted to participate in the focus groups or interviews
- more management staff, 69.8 per cent, than non-management, 36.1 per cent, wanted to participate further

Responses to the remaining questions on the employee survey are similar between those who were interested in participating in a focus group or interview and those who did not want to participate further.

As mentioned previously, the remaining responses to the employee survey are reported in the relevant employment systems below. Detailed tables for the employee survey are in Appendix I.

## Language Across All Systems

Throughout the analysis of information for the employment systems review it became evident that there are language issues throughout the documents reviewed. Advisory committee members feel that there is a need for the language to be updated

- to reflect current accepted terminology
- to remove non-gender-neutral language
- to remove subjectivity and clarify the terminology used
- to reflect the protected characteristics set out in the Nova Scotia Human Rights Act (a consolidated version of the act can be found on the government website at <www.gov.ns.ca/legislature/legc/>
- to reflect current corporate policies, such as the human resources policies and procedures in the *Human Resources Management Manual 500* <www.gov.ns.ca/tpb/manuals/PDF/HRMgmtManual500.pdf>

Specific examples of where this occurs will be described throughout the report; however, to reduce the repetitiveness of the recommendations, the recommendations below will cover all instances where the language requires an update. Therefore, the advisory committee recommends that

A. The Department of Justice recommend, as soon as possible so it may be included in the current negotiations, that the union revise the language in the collective agreements to remove any cultural or gender biases.[7]

B. The Department of Justice recommend, by September 30, 2004, to the PSC that the language in the PSC *Manual 500*, the Civil Service Act, and the General Civil Service Regulations be updated to remove any cultural or gender biases.

C. The Department of Justice update, by March 31, 2005, the language in the *Recruitment and Selection* binder, the Correctional Services *Policies & Procedures Manual*, and the correctional facilities standard operating procedures (SOPs), to remove any cultural or gender biases.

7. Letters were sent to the NSGEU and the PSC on February 18, 2004, asking them to take the revising of the language in the collective agreements into consideration during the current negotiations.

# System One: Recruitment

## Purpose

To attract the most-qualified job applicants to fill available employment opportunities.

## Checklist Analysis Form

| Recruitment System Checklist | Yes | No |
|---|---|---|
| 1. Are job postings and bulletin boards accessible to all employees, including those who may work in branch offices or are disabled (e.g., wheelchair users)? | | ✓ |
| 2. Does the job posting accurately emphasize the qualifications and duties most central to the job? | | ✓ |
| 3. Are skill components broken down to reflect actual job requirements? | ✓ | |
| 4. Is someone who is familiar with the day-to-day functions of the job available to provide prospective applicants with information? | | ✓ |
| 5. Do advertisements for jobs indicate that Correctional Services is an employment equity employer? | ✓ | |
| 6. Is the language used in job postings and advertisements checked for gender and cultural biases? | | ✓ |
| 7. Is illustrated material used in recruiting checked for gender and cultural biases? | | ✓ |
| 8. Have human resources staff received training with respect to human rights and other employment-related legislation? | | ✓ |
| 9. Has up-to-date human rights and other relevant legislation and information been used in preparing job application forms? | ✓ | |
| 10. Is the human resources department accessible to people with physical disabilities? | ✓ | |
| 11. Are provisions made in the interviewing process to accommodate people with disabilities? | | ✓ |
| 12. Do job descriptions/advertisements specify the physical requirements of the job, based on a physical demands analysis? | | ✓ |

1. Are job postings and bulletin boards accessible to all employees, including those who may work in branch offices or are disabled (e.g., wheelchair users)? **No**

**Analysis and Recommendations**

Correctional Services jobs are posted on the government website and at various locations in the correctional facilities. Participants in the interviews said that not everyone working in Correctional Services has access to a computer, and if they do, they may not know how to access the job postings using the computer. Therefore, the advisory committee recommends that

1.1 The Justice HR CSU or Correctional Services provide training, by March 31, 2006, on how to use computers to access job postings on the government website to all Correctional Services staff who require it.

1.2 Correctional Services ensure that a generally accessible computer(s) be made available, by January 1, 2005, for use of all Correctional Services staff within the facilities so they have access to online job postings.

1.3 Correctional Services work with Information Technology to ensure that all Correctional Services staff have appropriate user IDs to access these computers by January 1, 2005.

Participants said that job postings do not always stay on the bulletin boards, even though efforts are made to keep them there and to make them available in other locations at the worksite. The bulletin boards need to be in locations where all staff can see them – at a level where people of all heights or people in wheelchairs can see them. Therefore, the advisory committee recommends that

1.4 Correctional Services ensure that all worksites have accessible sealed bulletin boards, by September 1, 2005, where job postings are placed, and that these bulletin boards be placed at a level suitable for all people, for example, people in wheelchairs.

Job postings are not available in other formats that are easily accessible by people who are visually impaired. Therefore, the advisory committee recommends that

1.5 The Justice HR CSU provide job postings in Braille, or large-print format, to people who are visually impaired and/or provide appropriate computer programs to Correctional Services staff who are visually impaired, as required.

The above recommendations respond to concerns and issues of Correctional Services staff. Throughout the information-gathering process, participants said that few people in the designated groups apply for positions within Correctional Services. As well, due to the small number of employees in the designated groups more pressure is put on them to participate in various activities so that there is representation by a diverse group. The advisory committee feels that more designated group members need to be hired within Correctional Services. This must be done in a manner that is workable within the two collective agreements, i.e., the NSGEU Master Collective Agreement and the NSGEU Local 480 Collective Agreement. Therefore, the advisory committee recommends that

1.6 Correctional Services implement a program, by December 31, 2004, for hiring designated group members, by utilizing the Affirmative Action casual inventory, other similar programs, and external recruitment and report on the progress of this program every six months.

In Correctional Services, gender issues are bigger than racial issues. Interview and focus group participants commented that female staff are treated differently than male staff by some. Due to the fact that there is minimal representation of females among Correctional Services senior management, there is no mentoring available. Community corrections has no female senior probation officers in the field, the only female superintendent is in an acting capacity, and there is one female director in Correctional Services' head office. This is also true of other designated groups.

Strategies must be developed to ensure that recruitment is targeted towards women and other designated group members. Therefore, it is recommended that

1.7 The Correctional Services Equity Committee, in co-operation with the Justice HR CSU, develop a strategy and implement a plan by June 30, 2005, to ensure that recruitment in Correctional Services in the Department of Justice is targeted towards women and other designated group members.

This strategy could include targeted advertising to encourage more applicants, job fairs, and school visits. As well, a percentage of positions in Correctional Services could be for designated group members. Therefore, it is recommended that

1.8 Beginning in January 2005, Correctional Services designate positions to be filled only by designated group members.

2. Does the job posting accurately emphasize the qualifications and duties most central to the job? **No**

**Analysis and Recommendations**

Most participants in the focus groups feel that although the job postings accurately emphasize the duties most central to the job, not all duties can be listed in the job posting. Also, the job postings may not reflect the changes in duties resulting from changes to programs or legislation. For example, the new Youth Criminal Justice Act has resulted in changes to the duties of Correctional Services staff who work with youth, and these duties are not reflected in the job descriptions and postings. Therefore, the advisory committee recommends that

1.9 The Justice HR CSU and Correctional Services undertake reviews every three to five years, beginning in September 2004, of all job descriptions and job postings and post the job descriptions online and on bulletin boards so staff have access to them.

Some participants in the focus groups questioned the need for a post-secondary degree to work in Correctional Services. They feel that more emphasis is put on a degree than on on-the-job experience.[8] Further research must be undertaken to determine whether or not a post-secondary degree is a bona fide job requirement for the various jobs within Correctional Services. Once the review of qualifications is completed, it is important that these qualifications are consistently applied in all job postings, and that the use of the qualifications is monitored to ensure that they are used consistently. Therefore, the advisory committee recommends that

1.10 The Justice HR CSU and Correctional Services review all qualifications for all Correctional Services positions to ensure that there are no barriers, such as education. It is recommended that the review begin by January 1, 2005, and be completed by June 1, 2005.

1.11 Starting in June 2005, the Justice HR CSU or the Correctional Services Equity Committee regularly audit the Correctional Services job postings and job descriptions to ensure that the qualifications are applied consistently and report on the findings of these audits.

8. Trevor Wilson reports in his book *Diversity at Work* that credentialism (i.e., discrimination based on lack of education) is prevalent in organizations throughout Canada.

3. Are skill components broken down to reflect actual job requirements? **Yes**

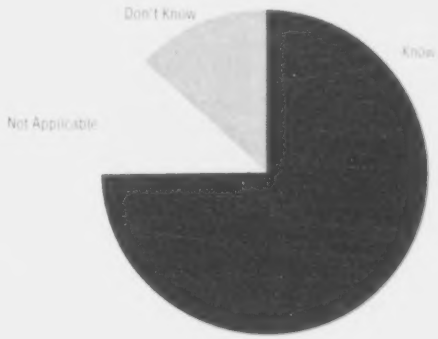
**Analysis and Recommendations**

Participants in the interviews feel that the skill components are broken down to reflect actual job requirements.

4. Is someone who is familiar with the day-to-day functions of the job available to provide prospective applicants with information? **No**

**Analysis and Recommendations**

**Percentage Reporting They Know Who to Contact**




Three-quarters, 74.7 per cent, of respondents to the employee survey indicated that they know who to contact about a job posting (see Table 10, Appendix I). Some people may have access only to the job posting and job description; therefore, it may be beneficial to develop questions and answers (Q&As) on the most frequently asked questions for each job within Correctional Services. The Q&As will provide perspective applicants with information about the jobs, thus reducing the need to have a contact person. Therefore, the advisory committee recommends that

1.12 The Justice HR CSU and Correctional Services develop questions and answers (Q&As), by September 1, 2005, on frequently asked questions for each job and ensure that the Q&As are accessible to potential candidates.

If the information in the Q&As is set out in way to meet most applicants' needs, the need for a contact person is diminished. However, it is still necessary to ensure that individuals who may be contacted about job postings know how to respond to requests for information without biasing the recruitment and selection processes. Therefore, the advisory committee recommends that

1.13 The Justice HR CSU provide training, by December 31, 2005, to potential contact people so they know how to respond to applicants without introducing potential biases into the recruitment and selection processes.

For Correctional Services staff, information on the human resources consultant could be posted on the bulletin boards. Therefore, it is recommended that

1.14 By September 1, 2005, the photo, phone numbers, e-mail address, and mailing address of the human resources consultant for Correctional Services be posted in the sealed bulletin boards next to the job postings.

5. Do advertisements for jobs indicate that Correctional Services is an employment equity employer? **YES**

**Analysis and Recommendations**

The Public Service Commission website indicates that the Government of Nova Scotia is an employment equity employer. Information is provided on the Diversity Initiative and the Affirmative Action Policy.

6. Is the language used in job postings and advertisements checked for gender and cultural biases? **NO**

**Analysis and Recommendations**

Participants in the interviews are uncertain as to whether or not job postings are checked for gender and cultural biases. There is a process for checking, but this may not involve a critical examination of the postings. Therefore, the advisory committee recommends that

1.15 As part of the review of the job postings and job descriptions (recommendation 1.9), the Justice HR CSU, utilizing the services of a specialist or consultant, examine by June 30, 2005, all job postings and job descriptions to ensure that there are no cultural or gender biases.

7. Is illustrated material used in recruiting checked for gender and cultural biases? **NO**

**Analysis and Recommendations**

Correctional Services uses illustrated material for job fairs and to recruit volunteers. Efforts are made to make the material gender neutral and unbiased; however, Correctional Services staff commented that this is difficult to do. Therefore, the advisory committee recommends that

1.16 Correctional Services and the Justice HR CSU, utilizing the services of a specialist or consultant, examine all illustrated materials used by Correctional Services in recruiting to ensure that there are no cultural or gender biases. It is recommended that this review and any changes to the illustrated material be completed by June 30, 2005.

8. Have human resources staff received training with respect to human rights and other employment-related legislation? **No**

**Analysis and Recommendations**

Human resources staff and some of the Correctional Services staff involved in recruitment and selection have indicated that they have training in human rights and other employment-related legislation. However, it is not clear from the courses referenced that these courses provide staff with specific training on these issues. Therefore, the advisory committee recommends that

1.17 The Justice HR CSU review and update, by December 31, 2004, the training received by human resources staff and Correctional Services staff involved in the recruitment and/or selection process and ensure that they all have current training in human rights and other employment-related legislation by December 31, 2005.

1.18 The Justice HR CSU work with a specialist or consultant to develop a list of the training that would be considered relevant for inclusion in the review called for in recommendation 1.17.

9. Have up-to-date human rights and other relevant legislation and information been used in preparing job application forms? **Yes**

**Analysis and Recommendations**

The Public Service Commission's application form has been vetted by legal staff and checked in relation to the Nova Scotia Human Rights Act.

10. Is the human resources department accessible to people with physical disabilities? **Yes**

**Analysis and Recommendations**

The Justice HR CSU is located on the 4th floor of the Terminal Road Building, and it is accessible to people with disabilities.

11. Are provisions made in the interviewing process to accommodate people with disabilities? **No**

**Analysis and Recommendations**

Various accommodations may be required during the interview process for people with disabilities. These could include allowing additional time for people with learning disabilities or time for people with back problems to move around to relieve the stress on their back. Participants in the interviews said that if individuals request an accommodation it may be made in the interview process.

Staff involved in the interviewing process may not be aware of a person's disability or what type of accommodation may be required. Many participants said that it would be difficult for persons with disabilities to work in Correctional Services, indicating that more knowledge about disabilities is required. The checklist provided by the Justice HR CSU could include information on disabilities. Therefore, the advisory committee recommends that

1.19 The Justice HR CSU and/or Correctional Services provide more education around disability issues to all Correctional Services staff, including those responsible for recruitment and/or selection. It is recommended that staff involved in recruitment and/or selection receive the education by December 31, 2005, and the remaining staff by September 1, 2006.

1.20 The Justice HR CSU develop a checklist, by January 1, 2006, to assist interview panels in ensuring that applicants with disabilities have the accommodations they require for the interview.

12. Do job descriptions/advertisements specify the physical requirements of the job, based on a physical demands analysis? **No**

**Analysis and Recommendations**

No formalized physical demands analysis is undertaken for Correctional Services positions. Therefore, the advisory committee recommends that

1.21 The Justice HR CSU and Correctional Services review all positions to determine the physical requirements necessary to do the job and modify the job descriptions and job postings accordingly by September 1, 2006.

## Document Review

| Recruitment System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 1. *Manual 500*: Fair Hiring Policy | No | Yes |
| 2. *Manual 500*: Government and PSC Sign Language Interpreter Service | No | Yes |
| 3. *Manual 500*: Secondment Policy | Yes | No |
| 4. *Manual 500*: Affirmative Action Policy | No | Yes |
| 5. NSGEU Master Collective Agreement Article 11: Re-assignment and job posting; Local 480 Collective Agreement Article 41: Reassignment and Job Posting | Yes | No |
| 6. *Recruitment and Selection* binder Chapters 2 and 3 and appropriate appendices (Fair Hiring Policy and Competition Publicity) | No | Yes |
| 7. Civil Service Act Section 16: Publicity respecting vacancy | No | Yes |
| 8. Correctional Services *Policies & Procedures Manual* Sections 3.00 to 3.05, and 3.17 | Yes | No |
| 9. PSC Application Form | Yes | No |

A review of the *Manual 500* policies shows that some of the language used in the policies is not clear. It is recommended that more plain language be provided in *Manual 500*. This recommendation is included as part of recommendation B above.

Throughout the employment systems review process, it became clear that not all Local 480 employees, as well as other Correctional Services staff, are aware of which *Manual 500* policies apply to Local 480 members. Therefore, the advisory committee recommends that

1.22 Correctional Services communicate, by December 31, 2004, to Local 480 members and their supervisors which *Manual 500* policies apply to them and the impact of these polices on their employment.

| RECRUITMENT SYSTEM | ADVERSE IMPACT ON DESIGNATED GROUP MEMBERS? | BENEFIT ALL EMPLOYEES/ CANDIDATES? |
|---|---|---|
| 1. *Manual 500*: Fair Hiring Policy | No | Yes |

**Analysis and Recommendations**

The Fair Hiring Policy is intended to be fair for all employees and candidates; therefore, there is no adverse impact on designated group members.

| RECRUITMENT SYSTEM | ADVERSE IMPACT ON DESIGNATED GROUP MEMBERS? | BENEFIT ALL EMPLOYEES/ CANDIDATES? |
|---|---|---|
| 2. *Manual 500*: Government and PSC Sign Language Interpreter Service | No | Yes |

**Analysis and Recommendations**

The Sign Language Interpreter policies are intended to provide interpreter services for clients of the Nova Scotia government who are deaf or hard of hearing. It is not clear what services are provided to government employees. Therefore, the advisory committee recommends that

1.23 The Department of Justice request clarification from the PSC, by September 30, 2004, as to the application to government employees of the sign language interpreter policies.

| Recruitment System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 3. *Manual 500*: Secondment Policy | Yes | No |

**Analysis and Recommendations**

The Secondment Policy specifies that staff in non-bargaining unit positions are eligible for secondment opportunities. Although bargaining unit employees are not covered under the Secondment Policy, they are able to participate in secondment or expression of interest opportunities. Participants of the interviews and focus groups said that not all secondments or expressions of interest are posted, thus creating barriers to employees who may be interested in these opportunities. Some secondments or expressions of interest require specific knowledge or experience of a specific facility, for example, and it is felt these should be posted only in those areas of interest.

Management must ensure that unnecessary restrictions are not placed on the postings. Management may not be aware of all qualified candidates; providing an open competition allows these staff to apply. As well, with an open system, employees become more aware of upward mobility opportunities in the entire system, which will result in increased morale. Therefore, the advisory committee recommends that

1.24 By January 1, 2005, Correctional Services ensure that all expressions of interest and secondments are posted and that a consistent process is used across all locations for determining the location of postings for these opportunities.

1.25 Starting January 2005, the Justice HR CSU regularly audit the processes used for posting expressions of interest and secondment opportunities to ensure that unnecessary restrictions are not put on the locations of the postings.

| Recruitment System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 4. *Manual 500*: Affirmative Action Policy | No | Yes |

**Analysis and Recommendations**

The Affirmative Action Policy is intended to benefit all employees. However, there was a lack of knowledge amongst the participants of the interviews and focus groups about the policy itself and how it is implemented. The advisory committee commented that not much has been done to implement the Affirmative Action Policy within the Department of Justice. They feel that a toolkit to help with implementation would be helpful.

The PSC is undertaking a survey on the application of the Affirmative Action Policy. Based on the results of the survey, the PSC expects to develop a resource to help departments implement the policy. This resource should be available in the spring of 2004. It is expected that a training module will accompany this resource to educate line departments on implementing the Affirmative Action Policy. Therefore, it is recommended that

1.26 Beginning in September 2004, the PSC provide education to the Justice HR CSU on the Affirmative Action Policy and provide resources to help implement the policy in the Department of Justice.

1.27 The Department of Justice be held accountable for implementing the Affirmative Action Policy by March 31, 2005.

The Affirmative Action Policy states that a workforce survey form is to be provided to new employees when they are appointed. The survey allows new staff to identify if they are a member of one of the designated groups. Completion of the survey is voluntary, and the information provided by staff is confidential. Local 480 staff have never completed the PSC's workforce survey, even though they are covered by the Affirmative Action Policy, and the completion of the workforce survey is a directive of that policy. Therefore, the advisory committee recommends that

1.28 Effective immediately, all new Local 480 staff be provided with the PSC's workforce survey.

The results of the workforce survey show the representation of designated group members in government. The information is reported on the PSC's website for all of government; it would be useful to have a breakdown by department, and even by division within the department. This information should be made available on the PSC's website, and people should be made aware of its availability. Therefore, it is recommended that

1.29 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC report departmental-level results of the workforce survey on its website and inform departments that this information is available.

| RECRUITMENT SYSTEM | ADVERSE IMPACT ON DESIGNATED GROUP MEMBERS? | BENEFIT ALL EMPLOYEES/ CANDIDATES? |
|---|---|---|
| 5. NSGEU Master Collective Agreement Article 11: Re-assignment and job posting; Local 480 Collective Agreement Article 41: Reassignment and Job Posting | Yes | No |

**Analysis and Recommendations**

Both articles in the collective agreements state that consideration for bargaining unit positions is given first to bargaining unit employees. In the case of Local 480 consideration is given first to full-time bargaining unit employees, then to part-time bargaining unit employees. The articles further stipulate that when employees of equal merit apply for a job, then the employee with the most seniority is given the job. From a union perspective, these articles are intended to protect the rights of bargaining unit members. From an equity perspective, the restrictive nature of these articles may result in barriers to individuals not in the bargaining unit, with a possible greater impact on those individuals in the designated groups.

This situation is not unique to Correctional Services, nor to Nova Scotia. The federal Employment Equity Act states that seniority clauses in collective agreements are not to be considered as a barrier, unless an employment systems review finds there is an adverse impact on designated group members. If this is the case, then the act states that consultations are to be undertaken between the employer and the union to develop measures to minimize this adverse impact. Although the Nova Scotia government is not governed by the federal Employment Equity Act, the advisory committee feels that it would be beneficial to consult with the union on these issues. Therefore, the advisory committee recommends that

1.30 Consultations be held between the union and the employer, by July 31, 2004, as to actions that may be taken to minimize the adverse impact that seniority and other clauses in the collective agreements may have on designated group members.[9]

9. A letter was sent to the NSGEU and the PSC on February 18, 2004, asking them to take into consideration the adverse impact of the clauses in the collective agreements during the current negotiations.

| Recruitment System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 6. *Recruitment and Selection* binder Chapters 2 and 3 and appropriate appendices (Fair Hiring Policy and Competition Publicity) | No | Yes |

**Analysis and Recommendations**

The *Recruitment and Selection* binder was developed by the Justice HR CSU to provide training to Justice staff on policies and practices related to recruitment and selection. This could be a very useful tool if the information is updated to reflect current *Manual 500* policies, and the terminology is updated to reflect up-to-date terminology, such as, the use of "disability" instead of "handicap." These updates are included as part of recommendation C above.

Once the binder is updated, it is important that all Correctional Services staff involved in recruitment and selection be provided with recruitment and selection training. Therefore, the advisory committee recommends that

1.31 Correctional Services and the Justice HR CSU ensure that all Correctional Services staff involved in recruitment and selection have completed the most current recruitment and selection training by December 31, 2005, and that they retake the training every three to five years.

It is also important for the information contained in the binder to be kept current and be readily available to staff. Therefore, the advisory committee recommends that

1.32 The Justice HR CSU review the training materials and curriculum for recruitment and selection training every three to five years.

1.33 By December 31, 2005, Correctional Services update the Correctional Services *Policies & Procedures Manual* to include or reflect the content of the *Recruitment and Selection* binder, and/or that the Justice HR CSU include the *Recruitment and Selection* binder on their website.

| Recruitment System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 7. Civil Service Act Section 16: Publicity respecting vacancy | No | Yes |

**Analysis and Recommendations**

The section of the Civil Service Act on publicity respecting vacancy specifies that departments can determine the manner and extent that vacancies are publicized. There is no adverse impact on designated group members.

| Recruitment System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 8. Correctional Services *Policies & Procedures Manual* Sections 3.00 to 3.05, and 3.17 | Yes | No |

**Analysis and Recommendations**

The Correctional Services policies and procedures are intended to benefit all employees and candidates. The references to the policies in *Manual 500* need to be updated to reflect current policies, and some of the terminology is out of date, such as the use of "handicap" instead of "disability." These updates are included as part of recommendation C above.

Some of the terms used in the *Policies & Procedures Manual* are not defined and therefore are subjective. For example, section 3.00.00, 3.1, indicates that "personal attributes" are used to determine merit. Subjectivity of terminology can result in different interpretations for different groups and may adversely affect designated group members. Removing the subjectivity of the language in the *Policies & Procedures Manual* is included as part of recommendation C above.

Section 3.00.00, 5.3, of the manual states that successful candidates must have a completed medical form. Currently, human resources does not require this form because of the length of time required to obtain the completed form from physicians. Recommendation 1.21 recommends a physical demands analysis be undertaken. The results of the physical demands analysis may determine the need for a medical form. Therefore, the advisory committee recommends that

1.34 Correctional Services review the requirement for a completed medical form being a condition of employment in conjunction with the physical demands analysis (recommendation 1.21) and include any necessary revisions in the *Policies & Procedures Manual* by September 1, 2006.

Section 3.00.00, 5.4, of the Correctional Services *Policies & Procedures Manual* states that all successful candidates for positions must be first aid/CPR certified as a condition of employment within correctional facilities. First aid/CPR certification of staff is required for the safe operation of the facilities. Currently, all schools providing training for future staff of the correctional facilities provide this training. It is recognized this requirement may create barriers for some people, but the cost of Correctional Services providing all training would be substantial. Therefore, the advisory committee recommends that

1.35 Correctional Services review the need for candidates to be first aid/CPR certified as a condition of employment within Correctional Services with a view to removing or being flexible in the requirement by September 1, 2006.

| RECRUITMENT SYSTEM | ADVERSE IMPACT ON DESIGNATED GROUP MEMBERS? | BENEFIT ALL EMPLOYEES/ CANDIDATES? |
|---|---|---|
| 9. PSC Application Form | Yes | No |

**Analysis and Recommendations**

Currently the PSC application form is not available in Braille or large-print format. Individuals applying for positions within Correctional Services may have access to voice-activated software to help them submit an application form, or they may submit a resumé and covering letter. However, this may be a barrier for some. Therefore, the advisory committee recommends that

1.36 The Department of Justice recommend to the PSC, by September 30, 2004, that they undertake a study on the feasibility of providing the PSC application form in alternative formats, such as Braille.

Candidates can apply for a Correctional Services' position using an online version of the PSC application form. This online form is not well formatted and may not provide as much information as the paper application form. It is unclear if this would lead to any biases when online application forms are reviewed in the short listing of candidates. Therefore, the advisory committee recommends that

1.37 The Department of Justice recommend to the PSC, by September 30, 2004, that they undertake a study on the use of online application forms to determine if there are any biases, either for or against candidates using online application forms, and review the user-friendliness of the online application forms.

## Summary of Recommendations

Advisory committee members recognize that resources are limited and that not all of the recommendations of the employment systems review can be implemented at the same time. The committee went through an exercise to prioritize recommendations for each employment system. Even though some recommendations have been given higher priority, the advisory committee feels that the other recommendations are important and need to be implemented. The priority recommendations are shown in boldface type in the list below.

**Checklist Item 1**

1.1 The Justice HR CSU or Correctional Services provide training, by March 31, 2006, on how to use computers to access job postings on the government website to all Correctional Services staff who require it.

1.2 Correctional Services ensure that a generally accessible computer(s) be made available, by January 1, 2005, for use by all Correctional Services staff within the facilities so they have access to online job postings.

1.3 Correctional Services work with Information Technology to ensure that all Correctional Services staff have appropriate user IDs to access these computers by January 1, 2005.

1.4 Correctional Services ensure that all worksites have accessible sealed bulletin boards, by September 1, 2005, where job postings are placed, and that these bulletin boards be placed at a level suitable for all people, for example, people in wheelchairs.

1.5 The Justice HR CSU provide job postings in Braille, or large-print format, to people who are visually impaired and/or provide appropriate computer programs for Correctional Services staff who are visually impaired, as required.

**1.6 Correctional Services implement a program, by December 31, 2004, for hiring designated group members, by utilizing the Affirmative Action casual inventory, other similar programs, and external recruitment and report on the progress of this program every six months.**

1.7 **The Correctional Services Equity Committee, in co-operation with the Justice HR CSU, develop a strategy and a plan, by June 30, 2005, to ensure that recruitment in Correctional Services in the Department of Justice is targeted towards women and other designated group members.**

1.8 Beginning in January 2005, Correctional Services designate positions to be filled only by designated group members.

**Checklist Item 2**

1.9 The Justice HR CSU and Correctional Services undertake reviews every three to five years, beginning in September 2004, of all job descriptions and job postings and post the job descriptions online and on bulletin boards so staff have access to them.

1.10 The Justice HR CSU and Correctional Services review all qualifications for all Correctional Services positions to ensure that there are no barriers, such as education. It is recommended that the review begin by January 1, 2005, and be completed by June 1, 2005.

1.11 Starting in June 2005, the Justice HR CSU or the Correctional Services Equity Committee regularly audit the Correctional Services job postings and job descriptions to ensure that the qualifications are applied consistently and report on the findings of these audits.

**Checklist Item 4**

1.12 The Justice HR CSU and Correctional Services develop questions and answers (Q&As), by September 1, 2005, on frequently asked questions for each job and ensure that the Q&As are accessible to potential candidates.

1.13 The Justice HR CSU provide training, by December 31, 2005, to potential contact people so they know how to respond to applicants without introducing potential biases into the recruitment and selection processes.

1.14 By September 1, 2005, the photo, phone numbers, e-mail address, and mailing address of the human resources consultant for Correctional Services be posted in the sealed bulletin boards next to the job postings.

**Checklist Item 6**

1.15 As part of the review of the job postings and job descriptions (recommendation 1.9), the Justice HR CSU, utilizing the services of a specialist or consultant, examine by June 30, 2005, all job postings and job descriptions to ensure that there are no cultural or gender biases.

**Checklist Item 7**

1.16 Correctional Services and the Justice HR CSU, utilizing the services of a specialist or consultant, examine all illustrated materials used by Correctional Services in recruiting to ensure that there are no cultural or gender biases. It is recommended that this review and any changes to the illustrated material be completed by June 30, 2005.

**Checklist Item 8**

**1.17 The Justice HR CSU review and update, by December 31, 2004, the training received by human resources staff and Correctional Services staff involved in the recruitment and/or selection process and ensure that they all have current training in human rights and other employment-related legislation by December 31, 2005.**

1.18 The Justice HR CSU work with a specialist or consultant to develop a list of the training that would be considered relevant for inclusion in the review called for in recommendation 1.17.

**Checklist Item 11**

1.19 The Justice HR CSU and/or Correctional Services provide more education around disability issues to all Correctional Services staff, including those responsible for recruitment and/or selection. It is recommended that staff involved in recruitment and/or selection receive the education by December 31, 2005, and the remaining staff by September 1, 2006.

1.20 The Justice HR CSU develop a checklist, by January 1, 2006, to assist interview panels in ensuring that applicants with disabilities have the accommodations they require for the interview.

**Checklist Item 12**

1.21 The Justice HR CSU and Correctional Services review all positions to determine the physical requirements necessary to do the job and modify the job descriptions and job postings accordingly by September 1, 2006.

**Document Review – General**

1.22 Correctional Services communicate, by December 31, 2004, to Local 480 members and their supervisors which *Manual 500* policies apply to them and the impact of these policies on their employment.

**Document Review Item 2**

1.23 The Department of Justice request clarification from the PSC, by September 30, 2004, as to the application to government employees of the sign language interpreter policies.

**Document Review Item 3**

1.24 By January 1, 2005, Correctional Services ensure that all expressions of interest and secondments are posted and that a consistent process is used across all locations for determining the location of postings for these opportunities.

1.25 Starting January 2005, the Justice HR CSU regularly audit the processes used for posting expressions of interest and secondment opportunities to ensure that unnecessary restrictions are not put on the locations of the postings.

**Document Review Item 4**

1.26 Beginning in September 2004, the PSC provide education to the Justice HR CSU on the Affirmative Action Policy and provide resources to help implement the policy in the Department of Justice.

**1.27 The Department of Justice be held accountable for implementing the Affirmative Action Policy by March 31, 2005.**

1.28 Effective immediately, all new Local 480 staff be provided with the PSC's workforce survey.

1.29 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC report departmental-level results of the workforce survey on its website and inform departments that this information is available.

**Document Review Item 5**

**1.30 Consultations be held between the union and the employer, by July 31, 2004, as to actions that may be taken to minimize the adverse impact that seniority and other clauses in the collective agreements may have on designated group members.**

**Document Review Item 6**

**1.31 Correctional Services and the Justice HR CSU ensure that all Correctional Services staff involved in recruitment and selection have completed the most current recruitment and selection training by December 31, 2005, and that they retake the training every three to five years.**

1.32 The Justice HR CSU review the training materials and curriculum for recruitment and selection training every three to five years.

1.33 By December 31, 2005, Correctional Services update the Correctional Services *Policies & Procedures Manual* to include or reflect the content of the *Recruitment and Selection* binder, and/or that the Justice HR CSU include the *Recruitment and Selection* binder on their website.

**Document Review Item 8**

1.34 Correctional Services review the requirement for a completed medical form being a condition of employment in conjunction with the physical demands analysis (recommendation 1.21) and include any necessary revisions in the *Policies & Procedures Manual* by September 1, 2006.

1.35 Correctional Services review the need for candidates to be first aid/CPR certified as a condition of employment within Correctional Services with a view to removing or being flexible in the requirement by September 1, 2006.

**Document Review Item 9**

1.36 The Department of Justice recommend to the PSC, by September 30, 2004, that they undertake a study on the feasibility of providing the PSC application form in alternative formats, such as Braille.

1.37 The Department of Justice recommend to the PSC, by September 30, 2004, that they undertake a study on the use of online application forms to determine if there are any biases, either for or against candidates using online application forms, and review the user-friendliness of the online application forms.

## System Two: Selection

### Purpose

To determine which candidates are more likely to be successful in performing the job.

### Checklist Analysis Form

| Selection System | Yes | No |
|---|---|---|
| 1. Are front-line staff (e.g., receptionists) and interviewers familiar with human rights and other employment-related legislation? | | ✓ |
| 2. Are managers and interviewers aware of the organization's employment equity philosophy and goals? | | ✓ |
| 3. Is the selection process, including interviews, fully documented? | ✓ | |
| 4. Are efforts made to include designated group members on the interviewing teams? | | ✓ |
| 5. Are interview questions developed in advance and has the interview panel agreed upon what is considered a successful response? | ✓ | ✓ |
| 6. Are tests (i.e., interview questions and other forms of testing) validated for job-relatedness? | ✓ | |
| 7. Are tests examined for gender and racial biases? | | ✓ |
| 8. Are tests administered by trained personnel? | | ✓ |
| 9. Are testing conditions standardized? | ✓ | |
| 10. Are testing facilities accessible to persons with disabilities? | ✓ | |
| 11. Are test materials available in various media to accommodate applicants' needs (e.g., Braille, tapes, translation service for hearing impaired, etc.)? | | ✓ |
| 12. Are procedures for reference checks standardized? | ✓ | |
| 13. Are there selection criteria for shortlisting candidates? | ✓ | |

1. Are front-line staff (e.g., receptionists) and interviewers familiar with human rights and other employment-related legislation? **No**

**Analysis and Recommendations**

Some participants in the interviews said that they are familiar with human rights and other employment-related legislation, while others feel that they are not. Participants are not aware if the front-line staff arranging the job interviews are familiar with employment-related legislation; they assume they are familiar. The advisory committee feels that front-line staff setting up the interviews and the interview panel members should be familiar with current human rights and other employment-related legislation, and that any training on this should be kept current. The training for Correctional Services staff involved in the job interview panels would be part of the training called for in recommendation 1.17. Therefore, the advisory committee recommends that

2.1 Correctional Services ensure that front-line staff setting up interviews have human rights training by March 31, 2006.

Until Correctional Services staff involved in the job interview panels are trained, it would be beneficial to have HR consultants participate on job interview panels. Given the volume of interviews that are held in Correctional Services, it may not be feasible to do this for a long period of time. Therefore, the advisory committee recommends that

2.2 Beginning September 1, 2004, the Justice HR CSU human resource consultants participate in all job interview panels where the other panel members have not received the most-current recruitment and selection training.

2. Are managers and interviewers aware of the organization's employment equity philosophy and goals? **No**

**Analysis and Recommendations**

Most participants in the interviews feel that they are familiar with Correctional Services' employment equity philosophy and goals; however, not all participants are. All managers and staff are required to take diversity and employment equity training, and this would be a component of the training. Correctional Services reported that all managers have taken this training.

3. Is the selection process, including interviews, fully documented? **YES**

**Analysis and Recommendations**

All participants in the interviews reported that the selection process is documented. Specifically,

- documentation on all applicants is provided by human resources
- the shortlisting of candidates is documented
- all interviews and the responses to interview questions are documented
- all the documentation, with the recommended candidate noted, is forwarded to human resources for their review
- human resources reviews the information provided on the selection process to ensure that all the documentation is provided
- the approval of the recommended candidate and the offer of employment are also documented

Concerns were raised as to how responses to interview questions are documented. In particular, panel members may record responses differently, and it was said that this is why there are generally three panel members. It may be useful to have training on how to document candidates' responses to questions, and this could be a part of the recruitment and selection training.[10] Therefore, the advisory committee recommends that

2.3 The Justice HR CSU ensure that the recruitment and selection training covers the specific issues identified in the Correctional Services Employment Systems Review by December 31, 2004.

4. Are efforts made to include designated group members on the interviewing teams? **No**

**Analysis and Recommendations**

Participants in the interviews said that in most cases there is a female on interview panels, but that participation of other designated group members on job interview panels varies. Due to the small numbers of designated group members it is sometimes difficult, operationally, to have representation on the job interview panels, and sometimes this is not even considered when interview panels are established. The advisory committee feels that efforts should be made to have diverse interview panels. Where this is not possible there

10. There are a number of recommendations relating to issues to be included as part of the training, instead of reiterating recommendations each time there will be one recommendation on the recruitment and selection training, and the report will identify the issues that should be included as part of the training.

should be a reporting mechanism to ensure that it is considered and that there are valid reasons when it does not happen. Therefore, the advisory committee recommends that

2.4 Correctional Services ensure that all interview panels include females and other members of the designated groups. Where this is not accomplished, the chair of the interview panel is to complete an exception report that is to be submitted to human resources as part of the documentation for the competition. It is recommended that a standard format for the exception report be developed by the Justice HR CSU and implemented by September 30, 2004.

5. Are interview questions developed in advance and has the interview panel agreed upon what is considered a successful response? **YES AND NO**

**Analysis and Recommendations**

All participants in the interviews said that interview questions are developed in advance of the interviews. Questions may be developed by human resource consultants, program staff, management, or other Correctional Services staff. As well, the Justice HR CSU has a bank of questions that can be used in the development of questions.

Participants said that in some cases the interview panel would agree on what are considered successful responses to interview questions prior to the interviews, but this does not happen in all instances or for all questions. After the scoring of responses is completed, if there are big differences in the scoring, the interview panel discusses the responses. This gives the opportunity for panel members to point out something they heard that other panel members may have missed.

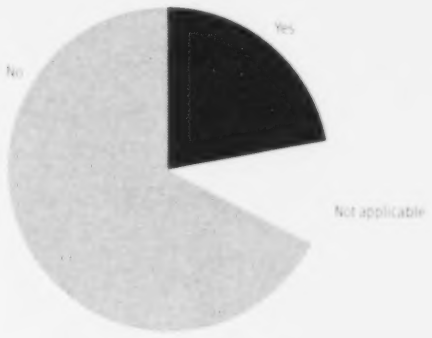
Best practice in the interview process is to discuss possible answers to the interview questions prior to the interviews. The recruitment and selection training should include the need for the interview panel to meet in advance of the interviews to develop questions, discuss possible answers and what would not be considered a good answer, and develop a strategy for conducting the interviews. As well, the training would ensure that staff are aware that interview questions and answers should not be shared with potential candidates. This would be included as part of recommendation 2.3.

6. Are tests (i.e., interview questions and other forms of testing) validated for job-relatedness? **Yes**

**Analysis and Recommendations**

Participants in the interviews feel that tests, including interview questions, are validated for job-relatedness. The people involved in the development of interview questions have specific knowledge about the positions being filled, and therefore, the questions would be related to the job. As well, the Justice HR CSU reviews all interview questions prior to their use in interviews.

**Percentage Feel Questions Asked That Not Relevant**




Almost one-quarter, 22.1 per cent, of the respondents to the employee survey feel that questions are asked during the interview process that are not relevant to the job (see Table 11, Appendix I). Most participants in the focus groups feel that the questions asked in the job interviews are related to the job. They feel that the new behavioural-based questionnaires are more general and not as job specific. Some focus group and interview participants feel that the new behavourial-based questions are providing Correctional Services with better candidates; while others feel that the candidates being selected do not have the knowledge about Correctional Services that they should.

As there appears to be a good process in place for the development and checking of questions for their job-relatedness, it is important to ensure that these questions are used in the interview process. Part of the recruitment and selection training would include the need for the interview panel to adhere to the approved interview questions (see recommendation 2.3).

7. Are tests examined for gender and racial biases? **No**

**Analysis and Recommendations**

Participants in the interviews feel that there is no formal process for examining interview questions and other forms of testing for gender and cultural biases. Some participants said that when they review the interview questions they look for potential biases.

Cultural and gender biases in the interview questions and other testing may adversely impact designated group members. Therefore, the advisory committee recommends that

2.5 The Justice HR CSU, utilizing the services of a specialist or consultant, examine, by March 31, 2006, all interview questions and other forms of testing, as well as the possible answers to these questions, to ensure that there are no cultural or gender biases.

In some cases, positions within Correctional Services are restricted, for example, the competition may be restricted to females working on a female unit. In these instances it may be appropriate for the questions to be specific to female issues.

### 8. Are tests administered by trained personnel? **No**

**Analysis and Recommendations**

Some participants in the interviews feel that the interviews and other forms of testing are administered by trained personnel. They feel in some instances that interviewers received specific training on how to conduct job interviews, and some feel that their job has prepared them to conduct job interviews. Other participants feel that interviewers do not have the training they need to conduct job interviews. In some cases the interview panels are made up of staff that are available, not necessarily staff who have specific training on how to conduct job interviews. The advisory committee feels that it is important for staff to receive this training and that it must be a part of the recruitment and selection training (see recommendation 2.3).

### 9. Are testing conditions standardized? **Yes**

**Analysis and Recommendations**

Most participants feel that testing conditions are standardized. The same interview panel is used during the interview process, the same interview panel chair is used throughout, the same questions are asked by the same panel members, and the same room is used.

10. Are testing facilities accessible to persons with disabilities? **YES**

**Analysis and Recommendations**

Participants in the interviews feel that the testing facilities (i.e., the physical locations) are accessible for persons with disabilities or that the facilities would be made accessible if the need was identified.

11. Are test materials available in various media to accommodate applicants' needs (e.g., Braille, tapes, translation service for hearing impaired, etc.)? **NO**

**Analysis and Recommendations**

Participants are not aware if testing materials are available in various media, but feel that they would be made available if the need arose.

12. Are procedures for reference checks standardized? **YES**

**Analysis and Recommendations**

Participants in the interviews reported that reference checks are standardized. The Justice HR CSU provides a form for the interview panel, usually the chair, to use when checking references.

13. Are there selection criteria for shortlisting candidates? **YES**

**Analysis and Recommendations**

Participants said that there is a form available to help shortlist applicants. Sometimes the human resources consultant will do the shortlisting of applicants; while other times staff in the field may do the shortlisting. Human resources staff review all shortlistings done by staff in the field. It is important for staff involved in this process to know how to shortlist candidates; this could be a part of the recruitment and selection training (see recommendation 2.3).

## Document Review

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 1. *Manual 500*: Background Checks | Yes | No |
| 2. NSGEU Master Collective Agreement Article 10: Appointment; Local 480 Collective Agreement Article 38: Probationary Period | Yes | No |
| 3. *Recruitment and Selection* binder Chapters 4 to 10 | Yes | No |
| 4. Civil Service Act Section 14: Appointments and Promotions | No | Yes |
| 5. Civil Service Act Section 17: Filling a vacancy | Yes | No |
| 6. Civil Service Act Section 18: Appointments from an eligibility list | No | Yes |
| 7. Civil Service Act Section 19: Factors considered to determine merit | Yes | No |
| 8. Civil Service Act Section 20: No discrimination | Yes | No |
| 9. Civil Service Act Section 21: Preference for military service | No | Yes |
| 10. Civil Service Act Section 22: Preference for resident | Yes | No |
| 11. Civil Service Act Section 23: Citizenship requirement | Yes | No |
| 12. Civil Service Act Section 44: Improper influence prohibited | No | Yes |
| 13. General Civil Service Regulations Sections 3 to 11A: Appointments | No | Yes |

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 1. *Manual 500*: Background Checks | Yes | No |

**Analysis and Recommendations**

Background checks include credit history, driving record, criminal record, Child Abuse Registry record, and employment and/or community references. Not all background checks are done on everyone, and they may be waived under certain circumstances.

Credit checks may create barriers for people who are unemployed or under-employed, as they may have credit problems.

The policy does not say what the consequences are if something negative shows up during the background checks. If something negative does show up, it does not necessarily mean that the person would not get the position. The results of the background checks are reviewed on a case-by-case basis. The potential negative findings from a background check are too numerous to reflect in a policy, and the consequences of these may vary depending on the severity of the situation and/or the length of time since an incident occurred. Therefore, the advisory committee recommends that

2.6 The Justice HR CSU maintain the current practice of reviewing the results of background checks on a case-by-case basis, ensuring that it is done in a fair and equitable manner.

Currently the permission form for doing background checks lists all the different types of checks that can be done, with the intent that those required for a certain position will be checked off. However, sometimes all background checks are done, even though they may not be required. Having a background check form that is specific to a particular position, or group of positions, would ensure that only those background checks that are bona fide job requirements would be completed. In addition, the recruitment and selection training could include a component on the specific needs of background checks for each position (see recommendation 2.3). Therefore, the advisory committee recommends that

2.7 The Justice HR CSU ensure that appropriate background check forms are developed and implemented, by March 31, 2005, for each Correctional Services position as it relates to the bona fide job requirements for that position.

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 2. NSGEU Master Collective Agreement Article 10: Appointment; Local 480 Collective Agreement Article 38: Probationary Period | Yes | No |

**Analysis and Recommendations**

These articles specify the length of time for probationary periods for full-time bargaining unit employees. The probationary period for Local 480 is 12 months, with no variance. The probationary period for the NSGEU Master Collective Agreement is usually 12 months, although the probationary period may be lengthened or shortened. The shortening or lengthening of the probationary period may negatively affect designated group members. Therefore, it is recommended that

2.8 The Justice HR CSU and the management staff of the Correctional Services division meet to review the probationary articles in the NSGEU Master Collective Agreement to ensure that there is a consistent interpretation of the articles and to develop and implement a policy for applying the flexibility permitted in the collective agreement. It is recommended that the policy be implemented by March 31, 2006.

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 3. *Recruitment and Selection* binder Chapters 4 to 10 | Yes | No |

**Analysis and Recommendations**

The information contained in these chapters of the *Recruitment and Selection* binder emphasizes that candidates are to be treated fairly, consistently, and in a transparent manner. The terminology must be updated to reflect current accepted use of terminology, e.g., the use of "disability" instead of "handicap." This is included as part of recommendation C.

The probing question examples and responses on pages 64 and 65 of the binder reflect dominant culture norms and have a mainstream focus. This could have an adverse impact on designated group members. Therefore, the advisory committee recommends that

2.9 The Justice HR CSU review, by December 31, 2004, the probing questions examples on pages 64 and 65 of the *Recruitment and Selection* binder to determine whether they should be eliminated or revised in consideration of designated groups.

| Selection System | Adverse Impact on Designated Group Members? | Benefit All Employees/ Candidates? |
|---|---|---|
| 4. Civil Service Act Section 14: Appointments and Promotions | No | Yes |

Analysis and Recommendations

Section 14 of the Civil Service Act states that appointments and promotions are based on merit principles. It is recognized that merit is determined through the competition process.

| Selection System | Adverse Impact on Designated Group Members? | Benefit All Employees/ Candidates? |
|---|---|---|
| 5. Civil Service Act Section 17: Filling a vacancy | Yes | No |

Analysis and Recommendations

This section of the act states that "vacancies shall be filled by promotion or transfer in so far as is consistent with the best interests of the Civil Service." This terminology is subjective and, therefore, may have an adverse impact on designated group members. If the Fair Hiring Policy is applied, the need for this section of the act is reduced and could be modified to remove the subjective terminology. It may also be worthwhile to recognize the importance of the Fair Hiring Policy by putting it into law. Therefore, the advisory committee recommends that

2.10 The Department of Justice recommend to the PSC, by September 30, 2004, that the phrase "in the best interests of the Civil Service" be removed from section 17 of the Civil Service Act and that section 17 be reviewed to determine if it is still required.

2.11 The Department of Justice recommend to the PSC, by September 30, 2004, that the Fair Hiring Policy be put into legislation.

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 6. Civil Service Act Section 18: Appointments from an eligibility list | No | Yes |

**Analysis and Recommendations**

Section 18 of the act states that an eligibility list is to be developed and used as the basis for making appointments. The eligibility list is developed as part of the selection process. As long as the eligibility list is developed based on government policies, such as the Fair Hiring Policy, there should be no adverse impact on designated group members.

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 7. Civil Service Act Section 19: Factors considered to determine merit | Yes | No |

**Analysis and Recommendations**

This section states that "the matters to be considered in determining merit may include education, skills, knowledge, experience, years of employment in the public service, personal attributes and any other matters deemed by the department necessary or desirable ..." People's perception of personal attributes is very subjective and, therefore, may have an adverse impact on designated group members. Removing the words "personal attributes" from the legislation is a part of recommendation B. As it takes time to modify legislation, the recruitment and selection training should reinforce that "personal attributes" are not to be considered as a selection criteria (see recommendation 2.3).

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 8. Civil Service Act Section 20: No discrimination | Yes | No |

**Analysis and Recommendations**

The characteristics listed in section 20 of the act are not consistent with the protected characteristics set out in the Human Rights Act and reflect outdated terminology. This should be updated as part of recommendation B.

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 9. Civil Service Act Section 21: Preference for military service | No | Yes |

**Analysis and Recommendations**

This section of the act states that preference will be given to individuals with previous military experience in World War II and the Korean War, when candidates are of equal merit. The advisory committee feels that given the age of individuals with this experience there is little impact on designated group members; therefore, no recommendation is required.

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 10. Civil Service Act Section 22: Preference for resident | Yes | No |

**Analysis and Recommendations**

The act states that where candidates are of equal merit, preference is given to the candidate residing in Canada. This may create barriers for individuals wishing to move to Canada. The federal Public Service Employment Act has recently been updated, Bill C-25, and this act should be reflective of the federal Employment Equity Act. Therefore, the advisory committee recommends that

2.12 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC update section 22 of the Civil Service Act to be consistent with federal legislation.

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 11. Civil Service Act Section 23: Citizenship requirement | Yes | No |

**Analysis and Recommendations**

This section of the act says that for an individual to be appointed to a position they must be a Canadian citizen or be lawfully permitted to come to Canada and establish a permanent residence. As with the previous recommendation, the advisory committee recommends that

2.13 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC update section 23 of the Civil Service Act to be consistent with federal legislation.

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 12. Civil Service Act Section 44: Improper influence prohibited | No | Yes |

**Analysis and Recommendations**

The intent of this section of the act is to ensure equity.

| Selection System | Adverse impact on designated group members? | Benefit all employees/ candidates? |
|---|---|---|
| 13. General Civil Service Regulations Sections 3 to 11A: Appointments | No | Yes |

**Analysis and Recommendations**

These sections of the act are not gender neutral, with reference to the use of "he" or "his" throughout. Changes to the legislation to make them gender neutral are a part of recommendation B.

## Summary of Recommendations

**Checklist Item 1**

2.1 Correctional Services ensure that front-line staff setting up interviews have human rights training by March 31, 2006.

**2.2 Beginning September 1, 2004, the Justice HR CSU human resource consultants participate in all job interview panels where the other panel members have not received the most-current recruitment and selection training.**

**Checklist Item 3**

2.3 The Justice HR CSU ensure that the recruitment and selection training covers the specific issues identified in the Correctional Services Employment Systems Review by December 31, 2004.

Checklist Item 4

2.4 **Correctional Services ensure that all interview panels include females and other members of the designated groups. Where this is not accomplished, the chair of the interview panel is to complete an exception report that is to be submitted to human resources as part of the documentation for the competition. It is recommended that a standard format for the exception report be developed by the Justice HR CSU and implemented by September 30, 2004.**

Checklist Item 7

2.5 The Justice HR CSU, utilizing the services of a specialist or consultant, examine, by March 31, 2006, all interview questions and other forms of testing, as well as the possible answers to these questions, to ensure that there are no cultural or gender biases.

Document Review 1

2.6 The Justice HR CSU maintain the current practice of reviewing the results of background checks on a case-by-case basis, ensuring that it is done in a fair and equitable manner.

2.7 The Justice HR CSU ensure that appropriate background check forms are developed and implemented, by March 31, 2005, for each Correctional Services position as it relates to the bona fide job requirements for that position.

Document Review 2

2.8 The Justice HR CSU and the management staff of the Correctional Services division meet to review the probationary articles in the NSGEU Master Collective Agreement to ensure that there is a consistent interpretation of the articles and to develop and implement a policy for applying the flexibility permitted in the collective agreement. It is recommended that the policy be implemented by March 31, 2006.

Document Review 3

2.9 The Justice HR CSU review, by December 31, 2004, the probing questions examples on pages 64 and 65 of the *Recruitment and Selection* binder to determine whether they should be eliminated or revised in consideration of designated groups.

Document Review 5

2.10 The Department of Justice recommend to the PSC, by September 30, 2004, that the phrase "in the best interests of the Civil Service" be removed from section 17 of the Civil Service Act and that section 17 be reviewed to determine if it is still required.

2.11 The Department of Justice recommend to the PSC, by September 30, 2004, that the Fair Hiring Policy be put into legislation.

**Document Review 10**

2.12 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC update section 22 of the Civil Service Act to be consistent with federal legislation.

**Document Review 11**

2.13 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC update section 23 of the Civil Service Act to be consistent with federal legislation.

## System Three: Retention

### Purpose

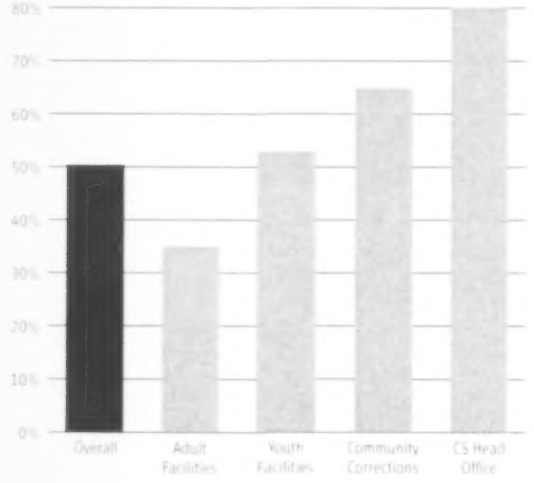
To outline hours of work, access to facilities and services, and health and safety requirements for employees.

### Checklist Analysis Form

| Conditions of Employment (Retention) System | Yes | No |
|---|---|---|
| 1. Are your workplace rules applied consistently? | | ✓ |
| 2. Is your working environment hospitable to designated group members? | | ✓ |
| 3. Do your conditions of employment allow for reasonable accommodation of differences among employees? | | ✓ |
| 4. Are employees informed of their protection against sexual harassment under human rights legislation? | ✓ | |
| 5. Does your organization have a policy on sexual and other forms of personal harassment? | ✓ | |
| 6. Has this anti-harassment policy been communicated to all supervisors and employees? | ✓ | |
| 7. Does your organization have a health and safety committee? | ✓ | |
| 8. Does your organization have policies and procedures on occupational health and safety? | ✓ | |
| 9. Is the worksite, including washrooms and cafeterias, accessible to employees with disabilities? | | ✓ |
| 10. Does your organization supply technical aids to workers with disabilities? | ✓ | |
| 11. Are there procedures in place that allow the organization to explore issues of employee retention? | | ✓ |

1. Are your workplace rules applied consistently? **No**

**Percentage Feel Workplace Rules Applied Consistently**




**Analysis and Recommendations**

Workplace rules refer to policies, legislation, regulations, and directives. They include dress codes, codes of professional conduct, attendance management, policies and procedures from the *Policies & Procedures Manual*, and standard operating procedures at the facilities, etc.

Half, 50.3 per cent, of the respondents to the employee survey feel that the workplace rules are applied consistently. More respondents in head office, 80.0 per cent, feel that this is the case (see Table 12, Appendix I).

Some participants in the interviews and focus groups feel that the workplace rules are applied consistently, while others feel they are not. Some participants said that the policies and procedures are guidelines and there is some discretion in the application of these policies and procedures. They feel that this may lead to some staff feeling that there are inconsistencies in application. As well, policies and procedures may be interpreted differently by different staff, and it is felt that this has resulted in inconsistencies in the application of these policies and procedures.

There are a number of policies, procedures, and legislation, that apply to the work in Correctional Services. These are updated on a regular basis, and this may make it difficult for them to be applied consistently. As well, some participants said that they are not always aware of changes that are made to the polices and procedures until they are told they are doing something incorrectly.

When a new employee starts working at Correctional Services they are given access to the *Polices & Procedures Manual* and the SOPs for the facility where they are working, if they are at a facility. Staff in the facilities are also paired up with a senior staff member. Staff are required to familiarize themselves with the policies and procedures and the SOPs, and in the facilities to follow the best practices of the staff member they are paired with. New staff also receive an orientation session to familiarize themselves with the physical plant and the policies and procedures.

The inconsistent application of policies and procedures appears to be less of an issue in community corrections. Though some participants said that not all community corrections offices follow the procedures for reports set out in the *Policies & Procedures Manual.*

Some participants said that the inconsistent application of policies and procedures affects their relationships with offenders. It is perceived that some staff may be more lenient with the offenders than other staff, and that this makes it more difficult for some staff to work with the offenders.

Some participants feel that the policies are applied differently depending on whether or not an employee is liked by management and that management uses the policies to reprimand staff they do not like. As well, some participants said that when one staff member does not follow a policy all staff are reminded of the policy. Some feel that all staff should not be affected by one person's actions.

Some management employees feel that some staff abuse the policies, such as the Attendance Management Policy. As well, some management employees said that when these policies are followed it makes it easier for staff to get their requested vacation as attendance is less of an issue.

Managers and supervisors need to take a leadership role in ensuring that staff become familiar with the policies and procedures and the standard operating procedures. They also need to provide coaching when needed. Therefore, the advisory committee recommends that

3.1 The Justice HR CSU, in co-operation with Correctional Services, undertake a needs assessment of the training needs of managers and supervisors, including acting managers and supervisors, regarding performance management, leadership, policies and procedures, and standard operating procedures, by December 31, 2004, and provide training by December 31, 2005.

3.2 Starting in January 2005, Correctional Services undertake "consistency discussions" at regular supervisor and manager staff meetings.

Correctional Services rely on staff to know the policies and procedures and to implement them appropriately. There are a large number of policies and procedures that staff are required to know, and given the large number it would be difficult to ensure that all staff know all the policies and procedures. However, there must be some follow-up to ensure that policies and procedures are being followed.

Different policies and procedures would have different risks associated with not implementing them or implementing them inappropriately. Those policies with a higher risk need to be monitored more closely than those with a moderate or low risk. Policies and procedures with a low risk may require little or no monitoring. Correctional Services should review all their policies and procedures and assign a risk to them and identify how they will monitor the application of these to ensure that the policies and procedures are being applied as required. Therefore, it is recommended that

3.3 By December 31, 2006, Correctional Services review all their policies and procedures with the intent of determining the risk of improper application of each one and to develop a plan for monitoring the application of these policies and procedures.

Dress codes are different depending on where you work in the facility, and there are differences between the adult and youth facilities. Staff said that they are not always aware of the dress code. Therefore, the advisory committee recommends that

3.4 By December 31, 2006, Correctional Services develop consistent, specific guidelines with respect to staff dress, with site-specific requirements, that include dress codes for uniformed versus non-uniformed staff, dress while attending training courses, and with respect to gender differences.

Only certain staff in the facilities are selected to be on response teams, and the same staff are selected all the time. Being on response teams gives staff more confidence to be able to respond to situations that arise in the facility. Staff who have not been trained for the response team may feel intimidated if they are in a situation and if they have to put on the gear. Therefore, the advisory committee recommends that

3.5 Correctional Services review, by December 31, 2006, the requirements for participation on response teams at each location and train and use all facility-based staff as response team members, except for staff who are on light or modified duties and staff who are pregnant.

Some participants in the focus groups said that some restrictions are made in job competitions because only females are allowed to work on female units, and they feel that this is a barrier for some staff. Research demonstrates that programs for women offenders and girls should be delivered by female staff. It is important that information on this research be communicated to staff so they are aware of why this decision is made. It is also important that the research regarding programing for females be reviewed regularly to ensure that Correctional Services in Nova Scotia is using current standards of practice. Therefore, the advisory committee recommends that

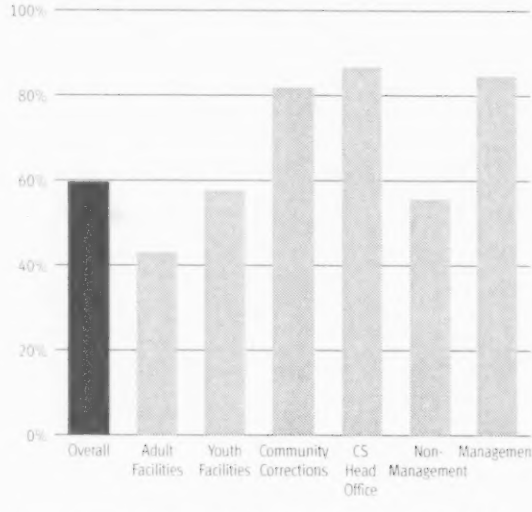
3.6 By January 1, 2005, Correctional Services make the research on programing needs for women offenders and girls known to staff and that Correctional Services regularly review the research to ensure that current standards for programming needs are being used.

2. Is your working environment hospitable to designated group members? **No**

**Analysis and Recommendations**

Over half, 59.6 per cent, of respondents to the employee survey feel that their work environment is hospitable to all employees. There are notable differences between the worksites, with more respondents from head office (86.7 per cent) and community corrections (81.8 per cent), than from youth facilities (57.6 per cent) and adult facilities (43.0 per cent), reporting that they feel the work environment is hospitable to all employees. There are also notable differences between management and non-management employees, with more management respondents reporting that they feel the work environment is hospitable, 84.6 per cent versus 55.6 per cent, respectively (see Table 13, Appendix I).

**PERCENTAGE FEEL WORKPLACE HOSPITABLE TO ALL STAFF**




Some participants in the focus groups feel that their work environment is positive, and that staff are welcoming and supportive. Some said that staff in community corrections are extremely helpful. Other participants feel that their work environment is not hospitable, that there are different forms of harassment occurring within Correctional Services. The types of harassment mentioned include racial harassment, sexual harassment, harassment based on age, and bullying. Participants also commented that there is disrespect for staff in support roles, such as secretaries and food support staff, and that casual and part-time staff are not treated with the same respect as full-time staff.

Some participants said that when staff transfer from one facility to another, there is sometimes resentment from the part-time staff at the facility where the person is being transferred to. Sometimes this results in an inhospitable work environment, and some participants heard that there were threats of assault and property damage.

Some focus group participants said that it is difficult to come to work sometimes because of the negativity in the workplace. They feel that if staff speak out about comments they feel are not appropriate they may be stigmatized, and therefore, they learn to keep quiet.

Gender appears to be a major issue within Correctional Services. Some participants talked about situations where females are treated differently than males. Even though they both have the same training, a male correctional worker may be asked to perform a job function that a female correctional worker is not asked to perform. For example, when there was a disturbance in one of the cells, a male correctional worker was asked to deal with it, even though the female answered the phone.

Concerns were raised about having too many females on a shift; some of the participants are not sure that if something happens during the shift the females would be able to handle the situation. Other participants feel that females are capable of doing their job and should be allowed to do it. Some focus group participants feel that females are better at diffusing some situations than males.

It is important that Correctional Services staff are respectful of each other and of the offenders, and that they be held accountable for showing respect. Some of the training provided by Correctional Services and the Justice HR CSU emphasizes respect and teamwork. It may be beneficial for management to participate in these training sessions as a group so they can learn from each other. Therefore, the advisory committee recommends that

3.7 By September 30, 2006, Correctional Services and the Justice HR CSU provide wellness and the respectful workplace training to more staff, not just full-time staff, to address teamwork and respect for each other.

3.8 By December 31, 2005, the Justice HR CSU deliver the respectful workplace training to all superintendents and all other Correctional Services managers as a group(s).

During the interviews and focus groups, participants talked about bullying as a form of harassment. Currently, the definitions for harassment and discrimination are based on the protected characteristics set out in the Human Rights Act. This makes it more difficult to deal with the issues around bullying. Correctional Services has an intimidation policy that covers intimidation or attempts of intimidation. This policy includes intimidation of staff by other staff members.

To strengthen the intimidation policy the Department of Justice should develop a bullying policy for all Justice staff. Therefore, it is recommended that

3.9 By December 31, 2005, the Department of Justice develop and implement a bullying policy.

In addition to training, all Correctional Services staff should be reminded of the policies in place to protect them from harassment in the workplace. Therefore, the advisory committee recommends that

3.10 Correctional Services restate the term "zero-tolerance" and re-emphasize and communicate the policies and procedures related to zero-tolerance, intimidation, and sexual harassment and no discrimination, by September 30, 2004.

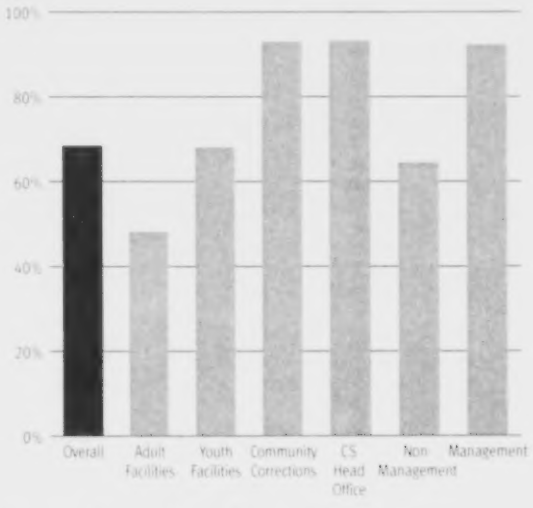
3.11 Correctional Services re-emphasize the section of the Code of Professional Conduct regarding respect, by September 30, 2004.

## 3. Do your conditions of employment allow for reasonable accommodation of differences among employees? **No**

### Analysis and Recommendations

Accommodation of differences at the workplace includes things such as religious holidays, flex time, job sharing, and physical accommodations, for example, modifications to work stations to accommodate a physical disability.

**PERCENTAGE FEEL ACCOMODATIONS ARE ALLOWED**




Over two-thirds, 68.4 per cent, of the respondents to the employee survey feel that their workplace allows for reasonable accommodations. More respondents in head office (93.3 per cent) and community corrections (93.0 per cent), than the facilities (68.1 per cent in youth facilities and 48.2 per cent in adult facilities), feel that their workplace allows for reasonable accommodations. As well, more management (92.3 per cent) than non-management (64.5 per cent) respondents feel that reasonable accommodations are allowed (see Table 14, Appendix 1).

Some interview and focus group participants feel that it would be difficult to allow modified work time or flextime in the 24-hour, 7 days a week, operation of the facilities. They feel that there is more flex time in community corrections, though some feel that this is not true for clerical staff working in community corrections.

Some management said that flex time and job sharing are available, but they are not being used. Sometimes informal systems are used to support staff requiring flex time.

Some management staff said that they provide accommodations as a reward for hard work and loyalty. There are differences of opinion as to how management supports staff; some participants feel that if management likes you then they are supportive, and some feel that management is more supportive of males than females.

Given the diverse responses around accommodation of flex time and job sharing and the potential difficulties raised about providing such accommodations in a 24-hour, 7 days a week, operation, the advisory committee recommends that

3.12 By April 1, 2005, Correctional Services and the Justice HR CSU undertake a pilot project in Correctional Services to explore the use of job sharing and flex time in a 24-hour, 7 days a week, operation site, with the intent of encouraging more accommodation around job sharing and flex time.

Participants feel that accommodations are provided to staff with disabilities or injuries, so they may return to work. The types of accommodations provided include light duties or "work hardening," or physical modifications to a staff member's workspace. Workstations have been modified to make them more ergonomic, and special chairs have been bought for staff with back problems. Some participants said that some requests for accommodations have been denied.

Throughout the interview and focus group meetings, some participants said that it would be difficult for people with disabilities to work in Correctional Services and that they do not generally work there. The employee survey shows that 9.5 per cent of the respondents have a disability, either a physical or mental disability. Recommendation 1.19 addresses the need for education of Correctional Services staff about disability issues.

Some participants feel that government is not supportive of the parental role or of staff who support their elderly parents.

In relation to religious holidays, some participants feel that some worksites provide flexibility for inmates' and staff members' religious holidays, while others feel that this is

not provided because it is not part of the collective agreement. Some participants said that they do not have much experience with staff celebrating religious holidays other than those identified as traditional Christian religious holidays.

The advisory committee feels that management should be more aware of the application of special leaves and be supportive of these leaves. Therefore, the advisory committee recommends that

3.13 By December 31, 2006, Correctional Services and the Justice HR CSU provide communication and training for supervisory staff on the application of various types of special leaves.

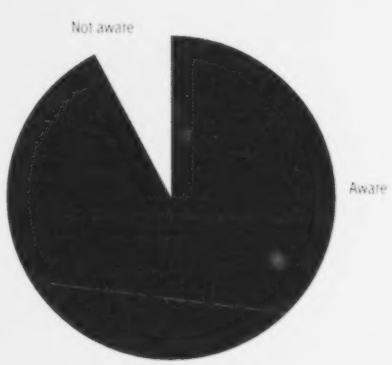
3.14 Starting January 1, 2007, Correctional Services ensure that denials for special leaves of absence are fully explained to the staff person.

| |
|---|
| 4. Are employees informed of their protection against sexual harassment under human rights legislation? **YES** |
| 5. Does your organization have a policy on sexual and other forms of personal harassment? **YES** |
| 6. Has this anti-harassment policy been communicated to all supervisors and employees? **YES** |

**Analysis and Recommendations**

Staff in Correctional Services are covered by the PSC's Sexual Harassment and No Discrimination Policy. Almost all, 92.3 per cent, of the staff who responded to the employee survey report that they are aware of this policy (see Table 15, Appendix I).

**PERCENTAGE AWARE OF ANTI-HARASSMENT POLICIES**




Some participants in the focus groups and interviews feel that the policy is effective, while others do not feel that it is. Some feel that there is no harassment in the workplace, while other participants said that harassment is still occurring in the workplace, such as harassment of female staff and black staff and bullying. In some cases, the harassment has resulted in human rights complaints.

In some instances, inappropriate jokes are being made, and sometimes management staff participate in this practice.

Some feel that harassment is not being reported because there is a stigma attached to reporting harassment or because staff do not want to report on their co-workers. Some feel that when harassment is reported it is dealt with quickly. Others feel that when the harassment is by a co-worker it is dealt with quickly; however, if the harassment is by management staff, it takes longer to be dealt with, or it may not be dealt with at all.

Participants feel that sometimes the penalties do not appear to reflect the seriousness of the issue. They also feel that there should be progressively more-severe penalties each time an individual re-offends, but this does not appear to be the case. Therefore, the advisory committee recommends that

3.15 By December 31, 2005, Correctional Services and the Justice HR CSU review the application of penalties as they relate to the Sexual Harassment and No Discrimination Policy and make changes as required.

3.16 Correctional Services develop strategies, by December 31, 2005, to ensure consistent accountability across the province, e.g., independent investigations of incidents, in relation to the Sexual Harassment and No Discrimination Policy.

Correctional Services managers need to be positive role models, they should be held accountable if they participate in harassing or discriminatory activity, and they should ensure that staff who participate in these activities are held accountable for their actions. Managers at all levels of the organization need to receive leadership and performance management training to help them coach staff, communicate with staff, and support staff. This training is a part of the training referred to in recommendation 3.1.

Some participants feel that the term "zero-tolerance" should be clarified. This is part of recommendation 3.10.

7. Does your organization have a health and safety committee? **YES**

**Analysis and Recommendations**

Participants in the interviews said that most community corrections offices and correctional facilities have their own occupational health and safety committee or are a representative

on a committee. Not all the members of these committees have received the appropriate training. Therefore, the advisory committee recommends that

3.17 Occupational health and safety committee training be provided to all management and union committee members by March 31, 2005.

8. Does your organization have policies and procedures on occupational health and safety? **YES**

**Analysis and Recommendations**

Interview participants report there are occupational health and safety policies and procedures. Reviewing all these policies for their impact on designated group members is beyond the scope of this project; however, it needs to be done. Therefore, the advisory committee recommends that

3.18 Occupational health and safety committees review the occupational health and safety policies and procedures for possible adverse impacts on designated group members by December 31, 2005.

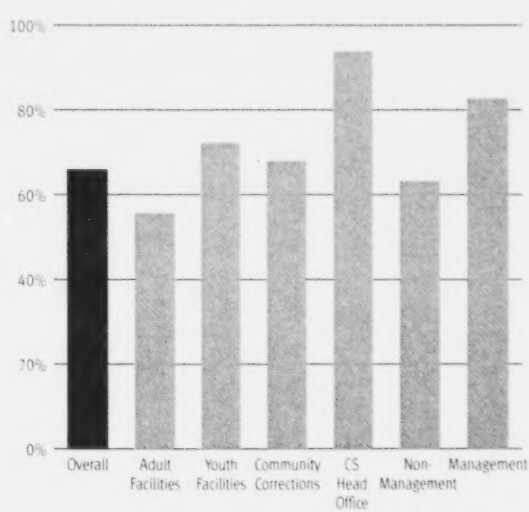
9. Is the worksite, including washrooms and cafeterias, accessible to employees with disabilities? **NO**

**Analysis and Recommendations**

Two-thirds, 65.9 per cent, of respondents to the employee survey said that their worksite is accessible to employees with disabilities (see Table 16, Appendix I). More respondents in head office, than in community corrections and the correctional facilities, feel that their worksite is accessible. As well, more management than non-management staff, feel that their worksite is accessible.

Interview participants said that some community corrections offices and some

**PERCENTAGE REPORTING WORKSITE IS ACCESSIBLE**



facilities are completely inaccessible. In some instances, parts of a worksite may be accessible, but not all; for example, the washrooms may not be accessible to people in wheelchairs or the elevator may not work for days at a time.

Some of the buildings used by Correctional Services are very old, and it may be very costly to update them. When new facilities are being constructed they are being made accessible.

To better determine which offices or buildings are accessible, the advisory committee recommends that

3.19 By March 31, 2006, the Department of Justice Facilities Manager review all Correctional Services offices and facilities for accessibility, making recommendations for changes where required.

10. Does your organization supply technical aids to workers with disabilities? **YES**

**Analysis and Recommendations**

Participants in the interviews and focus groups feel that technical aids would be provided if requested, though there may be some limitations based on costs. Examples were given where aids are provided, for example, special chairs or Obus Forms for staff with back problems and telephone head sets for staff with neck problems.

The occupational health and safety consultant can access an occupational therapist to determine what technical aids are required to assist staff. The advisory committee recommends that

3.20 Correctional Services develop a formal policy or practice by December 31, 2004, for the occupational health and safety consultant to access occupational therapists to assist staff in accessing technical aids.

3.21 Correctional Services ensure that all Correctional Services staff know about this policy or practice by March 31, 2005.

11. Are there procedures in place that allow the organization to explore issues of employee retention? **No**

**Analysis and Recommendations**

There is no formal process in place to explore issues of employee retention. Exit interviews provide information on

- who is leaving, e.g., age, occupational group, designated group members, and other demographic information
- why they are leaving, e.g., promotion, retirement, an adverse workplace issue
- where they are going, e.g., full-time jobs elsewhere in or outside the public service or to other justice-related jobs

They also provide an opportunity to capture corporate knowledge and history. Therefore, the advisory committee recommends that

3.22 Correctional Services and the Justice HR CSU establish and implement a process for undertaking exit interviews within Correctional Services by March 31, 2005. It is recommended that information from the exit interviews be posted on the Justice HR CSU website quarterly, starting in June 2005.

The PSC recently undertook an employee survey. The results of that survey, which are expected in the spring of 2004, may identify additional issues not identified in the employment systems review. Therefore, the advisory committee recommends that

3.23 Correctional Services and the Justice HR CSU review the PSC staff survey results, within three months of when they become available, to determine if follow-up is required on any of the issues that may arise around employment systems used in Correctional Services.

## Document Review

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 1. *Manual 500*: Travel and Relocation | Yes | No |
| 2. NSGEU Master Collective Agreement Article 29: Travel Regulations; Local 480 Collective Agreement Article 25: Travel Regulations | Yes | No |
| 3. *Manual 500*: Personal Protection Policy | No | Yes |
| 4. *Manual 500*: Sexual Harassment and No Discrimination Policy | No | Yes |
| 5. NSGEU Master Collective Agreement Article 2: No Discrimination; Local 480 Collective Agreement Article 11: No Discrimination | No | Yes |
| 6. *Manual 500*: Code of Conduct for Civil Servants | No | Yes |
| 7. Correctional Services *Policies & Procedures Manual* Section 1.04: Code of Professional Conduct | Yes | No |
| 8. Standing Operating Procedures Nova Scotia Youth Facility Section 1.04: Code of Conduct and Ethical Principles | Yes | No |
| 9. Standard Operating Procedures Cumberland Correctional Facility Section 3.18: Dress, Deportment When Reporting for Duty | Yes | No |
| 10. Standard Operating Procedures Cape Breton Correctional Facility Section 1.02: Dress, Deportment and Reporting to Work | Yes | No |
| 11. *Manual 500*: Handling a Grievance | Yes | No |
| 12. NSGEU Master Collective Agreement Article 26: Grievance Procedure; Local 480 Collective Agreement Article 30: Grievance Procedure | Yes | No |

| Retention/Conditions of Employment System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 13. *Manual 500*: Leaves and Absences | Yes | No |
| 14. NSGEU Master Collective Agreement Article 20: Special Leave | Not Sure | Not Sure |
| 15. NSGEU Local 480 Collective Agreement Article 39: Leave of Absence; Article 40: Compassionate Leave | Yes | No |
| 16. NSGEU Master Collective Agreement Article 22: Sick Leave; Local 480 Collective Agreement Article 19: Sick Leave | Maybe | Maybe Not |
| 17. General Civil Service Regulations Sections 57–59: Holidays; NSGEU Master Collective Agreement Article 19: Holidays; Local 480 Collective Agreement Article 32: Holidays | Yes | No |
| 18. General Civil Service Regulations Sections 61–66: Sick Leave | Maybe | Maybe Not |
| 19. General Civil Service Regulations Sections 67–81: Special Leave | Yes | No |
| 20. Communique Regarding Attendance Management Policy | No | Yes |
| 21. Standard Operating Procedures Cape Breton Correctional Facility Section 1.05: Sick Leave | No | Yes |
| 22. Correctional Services *Policies & Procedures Manual* Section 1.34: Critical Incident Stress Management | Yes | No |

| Retention/Conditions of Employment System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 1. *Manual 500*: Travel and Relocation | Yes | No |

**Analysis and Recommendations**

This policy says that the employer can determine when and by what means employees will travel. The policy also says that employees are expected to pay for their travel expenses and then be reimbursed after they submit an expense form. This may adversely affect employees who do not have the finances to pay for their travel.

There are mechanisms in place to help employees pay for their travel expenses. Any government employee can apply for a credit card through government. If they do not travel on a regular basis they may get an advance on their travel expenses. Staff may not be aware of these options. Therefore, the advisory committee recommends that

3.24 Correctional Services provide education to all staff with respect to the travel policy by December 31, 2006.

Currently, when staff relocate to take another job due to a transfer or promotion, they are required to pay their own relocation expenses. This may adversely affect some staff by preventing them from applying for positions that would mean they have to move. Therefore, the advisory committee recommends that

3.25 By December 31, 2005, the Department of Justice review the PSC's relocation policy to determine if it has an adverse impact on Department of Justice staff applying for promotions or transfers within the Department of Justice and make recommendations for changes, if required.

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 2. NSGEU Master Collective Agreement Article 29: Travel Regulations; Local 480 Collective Agreement Article 25: Travel Regulations | Yes | No |

**Analysis and Recommendations**

These articles restate the *Manual 500* policy. See the discussion above and recommendations 3.24 and 3.25.

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 3. *Manual 500*: Personal Protection Policy | No | Yes |

**Analysis and Recommendations**

The Personal Protection Policy says that departments are expected to develop policies and procedures on personal protection and that these are to be reviewed annually. Therefore, the advisory committee recommends that

3.26 The Department of Justice ensure that the annual review of personal protection policies and procedures includes a review from the perspective of its possible impact on designated group members, starting with the next annual review.

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 4. *Manual 500*: Sexual Harassment and No Discrimination Policy | No | Yes |

**Analysis and Recommendations**

This policy defines what is considered sexual harassment and harassment based on the protected characteristics set out in the Nova Scotia Human Rights Act. It protects members of the designated groups and benefits all employees.

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 5. NSGEU Master Collective Agreement Article 2: No Discrimination; Local 480 Collective Agreement Article 11: No Discrimination | No | Yes |

**Analysis and Recommendations**

These articles state that there will be no discrimination. The Local 480 Collective Agreement does not reflect current accepted use of terminology, e.g., the use of "disability" instead of "handicap." As well, this article does not reflect all the protected characteristics set out in the Human Rights Act. The updating of these articles is included as part of recommendation A.

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 6. *Manual 500*: Code of Conduct for Civil Servants | No | Yes |

**Analysis and Recommendations**

The Code of Conduct for Civil Servants outlines the areas of conflict of interest and principles around conduct while working with the government. There are no adverse impacts on designated group members, and all employees benefit from this policy.

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 7. Correctional Services *Policies & Procedures Manual* Section 1.04: Code of Professional Conduct | Yes | No |

**Analysis and Recommendations**

The objective of the Correctional Services Code of Professional Conduct is "to ensure high standards of conduct for employees of the Correctional Services Division of the Department of Justice." It specifies accepted behaviour of employees while they are on and off duty. The perception is that it sends the message that you cannot speak out against Correctional Services and that if you do, you will be looked at negatively. The code also limits what

you can do or the groups that you can join while off duty, and if they reflect badly on the department, the staff member can be held accountable. There may be an adverse impact on designated group members, as the code may go against their cultural beliefs and affect their interaction with people that are a part of their community. Therefore, the advisory committee recommends that

3.27 Correctional Services undertake a review of the Code of Professional Conduct, by March 31, 2005, including Correctional Services staff from all levels and the union in the review process.

The terminology in the Code of Professional Conduct is outdated (e.g., the use of "handicap" instead of "disability") and is not consistent with the protected characteristics of the Human Rights Act. As well, some of the terminology is not defined and, therefore, is subjective and open for interpretation, e.g. section 5.3.1 "professional image," and section 5.6.3.8 "extended visits" and "lengthy personal telephone calls." These sections and the other sections of the code should be revised to remove any cultural or gender biases. This is part of recommendation C, but could also be included as part of the review in recommendation 3.27.

| RETENTION/CONDITIONS OF EMPLOYMENT SYSTEM | ADVERSE IMPACT ON DESIGNATED GROUP MEMBERS? | BENEFIT ALL EMPLOYEES? |
|---|---|---|
| 8. Standing Operating Procedures Nova Scotia Youth Facility Section 1.04: Code of Conduct and Ethical Principles | YES | NO |

**Analysis and Recommendations**

The language used throughout the document is not gender neutral, e.g., the document uses "his," "he," and "fellow worker" throughout. As well, some of the terminology is not defined and, therefore, is subjective, which may result in an adverse impact on designated group members. For example, section 2.1.6 refers to a "positive appearance," which may be defined differently by different people; in section 2.1.7 it is unclear how you determine the "level of fitness sufficient ..."; and section 2.1.18 does not define how you determine a "demonstration of loyalty and support." The revisions to this document are included as part of recommendation C.

| Retention/Conditions of Employment System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 9. Standard Operating Procedures Cumberland Correctional Facility Section 3.18: Dress, Deportment When Reporting for Duty | **Yes** | **No** |

**Analysis and Recommendations**

This section of the standard operating procedures states that no staff, while on or off duty, are to "act in a manner unbecoming of an Officer of the institution." It is unclear how this is defined, and the removal of the subjectivity is a part of recommendation C. As well, this section may change as a result of the review of the Code of Professional Conduct, recommendation 3.27.

| Retention/Conditions of Employment System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 10. Standard Operating Procedures Cape Breton Correctional Facility Section 1.02: Dress, Deportment and Reporting to Work | **Yes** | **No** |

**Analysis and Recommendations**

This section of the standard operating procedures states that staff "bearing and deportment shall always be such as to reflect credit upon the institution and staff." It is unclear how this is defined and the removal of the subjectivity is a part of recommendation C. As well, this section may change as a result of the review of the Code of Professional Conduct, recommendation 3.27.

| Retention/Conditions of Employment System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 11. *Manual 500*: Handling a Grievance | Yes | No |

**Analysis and Recommendations**

This section of *Manual 500* outlines the process for handling a grievance. Issues arise when a staff member, who is a member of the designated group, could file a complaint with the Human Rights Commission but would prefer to file a grievance. Designated group members may not be comfortable proceeding, since there are no or limited designated groups within the management group and within the unions to respond to the grievance. Therefore, the advisory committee recommends that

3.28 By December 31, 2004, the Executive Management Employment Relations Committee, within Local 480, discuss the issue of designated group representation within the union executive and among union stewards and develop recommendations to make them more diverse.

3.29 With respect to civil servants, the Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU determine a means by which to have a discussion regarding the designated group representation within the union executive and among union stewards and develop recommendations to make them more diverse.

| Retention/Conditions of Employment System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 12. NSGEU Master Collective Agreement Article 26: Grievance Procedure; Local 480 Collective Agreement Article 30: Grievance Procedure | Yes | No |

**Analysis and Recommendations**

This is a similar issue to the grievance section of *Manual 500*, see recommendations 3.28 and 3.29.

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 13. *Manual 500*: Leaves and Absences | Yes | No |

**Analysis and Recommendations**

This chapter of *Manual 500* includes policies on attendance management, vacation, sick leave, long-term disability, special leave, and time off less than one day. Concern was raised in the focus groups and interviews that these policies may not be applied consistently. Therefore, the advisory committee recommends that

3.30 Starting October 1, 2005, Correctional Services monitor the application of the policies on leaves and absences to ensure that they are applied consistently.

It is unclear how the Attendance Management Policy affects individuals with disabilities. Therefore, the advisory committee recommends that

3.31 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC review the Attendance Management Policy to determine if it has any adverse impact on persons with disabilities.

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 14. NSGEU Master Collective Agreement Article 20: Special Leave | Not Sure | Not Sure |

**Analysis and Recommendations**

Article 20 of the NSGEU Master Collective Agreement includes the following special leaves: deferred, educational, bereavement, family illness, pregnancy, adoption, parental, and for storms and hazardous conditions. It is difficult to interpret if these have an adverse impact on designated group members or if they are applied consistently. It is important that rationale for denying special leaves be communicated to the staff person, see recommendation 3.14.

Different cultures may have different cultural or religious practices when it comes to grieving the loss of a loved one or relative. Therefore, the advisory committee recommends that

3.32 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU discuss the application of bereavement leave with respect to diverse groups.

| Retention/Conditions of Employment System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 15. NSGEU Local 480 Collective Agreement Article 39: Leave of Absence; Article 40: Compassionate Leave | **Yes** | **No** |

**Analysis and Recommendations**

Article 39 does not specify the types of leaves that can be granted and excludes pregnancy, adoption, and parental leaves. Therefore, the advisory committee recommends that

3.33 In the current negotiations, the Department of Justice and Local 480 address the inclusion of article(s) for pregnancy, adoption, and parental leaves in the Local 480 Collective Agreement.

As with the NSGEU Master Collective Agreement, the advisory committee recommends that

3.34 By December 31, 2004, the Department of Justice and Local 480 discuss the application of bereavement leave with respect to diverse groups.

| Retention/Conditions of Employment System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 16. NSGEU Master Collective Agreement Article 22: Sick Leave; Local 480 Collective Agreement Article 19: Sick Leave | **Maybe** | **Maybe Not** |

**Analysis and Recommendations**

These articles include general illness, short-term illness, recurring disabilities, long-term disabilities, and workers' compensation. It is felt that most of the issues arising around sick leave relate to the administration of sick leave. Therefore, the advisory committee recommends that

3.35 Issues arising from the overall administration of sick leave continue to be addressed by the Joint Rehabilitation Committee of Local 480.

3.36 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU consider establishing a committee similar to the Joint Rehabilitation Committee of Local 480 to discuss issues arising from the overall administration of sick leave.

| Retention/Conditions of Employment System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 17. General Civil Service Regulations Sections 57–59: Holidays; NSGEU Master Collective Agreement Article 19: Holidays; Local 480 Collective Agreement Article 32: Holidays | **Yes** | **No** |

**Analysis and Recommendations**

The holidays referenced in the above documents are based on traditional Christian holidays. Different holidays are not recognized, e.g., Martin Luther Day, and the holidays of other religions. Therefore, it is recommended that

3.37 By December 31, 2004, the Department of Justice and Local 480 discuss the application of holiday articles in the collective agreement with respect to diverse groups.

3.38 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU discuss the application of holiday articles in the collective agreement with respect to diverse groups.

As previously noted, the language in the General Civil Service Regulations is not gender neutral. This is a part of recommendation B.

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 18. General Civil Service Regulations Sections 61–66: Sick Leave | Maybe | Maybe Not |

**Analysis and Recommendations**

The issues around sick leave are the same as the ones raised about the sick leave articles in the collective agreements; see recommendations 3.35 and 3.36.

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 19. General Civil Service Regulations Sections 67–81: Special Leave | Yes | No |

**Analysis and Recommendations**

The issues on special leave are the same as those discussed earlier in the sections of *Manual 500* and the collective agreements on special leaves; see recommendations 3.30 through 3.34.

| Retention/Conditions of Employment System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 20. Communique Regarding Attendance Management Policy | No | Yes |

**Analysis and Recommendations**

The intent of this communique is to clarify the Attendance Management Policy. Therefore, there is no adverse impact on designated group members, and it does benefit all employees.

| Retention/Conditions of Employment System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 21. Standard Operating Procedures Cape Breton Correctional Facility Section 1.05: Sick Leave | No | Yes |

**Analysis and Recommendations**

There is no adverse impact on designated group members; the policy is there to benefit all employees and to ensure that there is coverage for shifts.

| Retention/Conditions of Employment System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 22. Correctional Services *Policies & Procedures Manual* Section 1.34: Critical Incident Stress Management | Yes | No |

**Analysis and Recommendations**

This section of the policy says that critical incident stress management team members should be representative of the staff profile; however, due to the small numbers of some designated group members, they may not be represented in the team members. Therefore, the advisory committee recommends that

3.39 By March 31, 2006, critical incident stress management team members have representation from the designated group members and receive critical incident stress management training.

During the advisory committee meetings there were discussions about the use of part-time staff at the adult facilities and casual staff at the youth facilities. The Local 480 Collective Agreement includes a letter of understanding that covers the relieving policy for part-time staff. Each adult facility has its own mechanism for calling out part-time staff. The advisory committee has no recommendation on this, but feels that each facility should apply their process consistently.

The Nova Scotia Youth Facility does not have a process in place for determining how casual staff are called for work. Therefore, the advisory committee recommends that

3.40 By December 31, 2005, the Nova Scotia Youth Facility develop a system that is fair and equitable for calling out casual staff, using casual staff to replace longer-term temporary vacancies, and the distribution of hours for casual staff.

## Summary of Recommendations

**Checklist Item 1**

3.1 **The Justice HR CSU, in co-operation with Correctional Services, undertake a needs assessment of the training needs of managers and supervisors, including acting managers and supervisors, regarding performance management, leadership, policies and procedures, and standard operating procedures, by December 31, 2004, and provide training by December 31, 2005.**

3.2 Starting January 2005, Correctional Services undertake "consistency discussions" at regular supervisor and manager staff meetings.

3.3 By December 31, 2006, Correctional Services review all the policies and procedures with the intent of determining the risk of improper application of each one and to develop a plan for monitoring the application of these policies and procedures.

3.4 By December 31, 2006, Correctional Services develop consistent, specific guidelines with respect to staff dress, with site-specific requirements, that include dress codes for uniformed versus non-uniformed staff, dress while attending training courses, and with respect to gender differences.

3.5 Correctional Services review, by December 31, 2006, the requirements for participation on response teams at each location and train and use all facility-based staff as response team members, except for staff who are on light or modified duties and staff who are pregnant.

3.6 By January 2005, Correctional Services make the research on programing needs for women offenders and girls known to staff and that Correctional Services regularly review the research to ensure that current standards for programming needs are being used.

**Checklist Item 2**

3.7 By September 30, 2006, Correctional Services and the Justice HR CSU provide wellness and the respectful workplace training to more staff, not just full-time staff, to address teamwork and respect for each other.

3.8 By December 31, 2005, the Justice HR CSU deliver the respectful workplace training to all superintendents and all other Correctional Services managers as a group(s).

3.9 By December 31, 2005, the Department of Justice develop and implement a bullying policy.

**3.10 Correctional Services restate the term "zero-tolerance" and re-emphasize and communicate the policies and procedures related to zero-tolerance, intimidation, and sexual harassment and no discrimination, by September 30, 2004.**

3.11 Correctional Services re-emphasize the section of the Code of Professional Conduct regarding respect by September 30, 2004.

**Checklist Item 3**

3.12 By April 1, 2005, Correctional Services and the Justice HR CSU undertake a pilot project in Correctional Services to explore the use of job sharing and flex time in a 24-hour, 7 days a week, operation site, with the intent of encouraging more accommodation around job sharing and flex time.

3.13 By December 31, 2006, Correctional Services and the Justice HR CSU provide communication and training for supervisory staff on the application of various types of special leaves.

3.14 Starting January 1, 2007, Correctional Services ensure that denials for special leaves of absence are fully explained to the staff person.

**Checklist Items 4, 5, and 6**

3.15 By December 31, 2005, Correctional Services and the Justice HR CSU review the application of penalties as they relate to the Sexual Harassment and No Discrimination Policy and make changes as required.

**3.16 Correctional Services develop strategies, by December 31, 2005, to ensure consistent accountability across the province, e.g., independent investigations of incidents, in relation to the Sexual Harassment and No Discrimination Policy.**

**Checklist Item 7**

3.17 Occupational health and safety committee training be provided to all management and union committee members by March 31, 2005.

**Checklist Item 8**

3.18 Occupational health and safety committees review the occupational health and safety policies and procedures for possible adverse impacts on designated group members by December 31, 2005.

**Checklist Item 9**

3.19 By March 31, 2006, the Department of Justice Facilities Manager review all Correctional Services offices and facilities for accessibility, making recommendations for changes where required.

**Checklist Item 10**

3.20 Correctional Services develop a formal policy or practice by December 31, 2004, for the occupational health and safety consultant to access occupational therapists to assist staff in accessing technical aids.

3.21 Correctional Services ensure that all Correctional Services staff know about this policy or practice by March 31, 2005.

**Checklist Item 11**

**3.22 Correctional Services and the Justice HR CSU establish and implement a process for undertaking exit interviews within Correctional Services by March 31, 2005. It is recommended that information from the exit interviews be posted on the Justice HR CSU website quarterly, starting in June 2005.**

3.23 Correctional Services and the Justice HR CSU review the PSC staff survey results, within three months of when they become available, to determine if follow-up is required on any of the issues that may arise around employment systems used in Correctional Services.

**Document Review 1**

3.24 Correctional Services provide education to all staff with respect to the travel policy by December 31, 2006.

3.25 By December 31, 2005, the Department of Justice review the PSC's relocation policy to determine if it has an adverse impact on Department of Justice staff applying for promotions or transfers with the Department of Justice and make recommendations for changes, if required.

**Document Review 3**

3.26 The Department of Justice ensure that the annual review of personal protection policies and procedures includes a review from the perspective of its possible impact on designated group members, starting with the next annual review.

**Document Review 7**

**3.27 Correctional Services undertake a review of the Code of Professional Conduct, by March 31, 2005, including Correctional Services staff from all levels and the union in the review process.**

**Document Review 11**

3.28 By December 31, 2004, the Executive Management Employment Relations Committee, within Local 480, discuss the issue of designated group representation within the union executive and among union stewards and develop recommendations to make them more diverse.

3.29 With respect to civil servants, the Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU determine a means by which to have a discussion regarding the designated group representation within the union executive and among union stewards and develop recommendations to make them more diverse.

**Document Review 13**

3.30 Starting October 1, 2005, Correctional Services monitor the application of the policies on leaves and absences to ensure that they are applied consistently.

3.31 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC review the Attendance Management Policy to determine if it has any adverse impact on persons with disabilities.

**Document Review 14**

3.32 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU discuss the application of bereavement leave with respect to diverse groups.

**Document Review 15**

3.33 In the current negotiations, the Department of Justice and Local 480 address the inclusion of article(s) for pregnancy, adoption, and parental leaves, in the Local 480 Collective Agreement.

3.34 By December 31, 2004, the Department of Justice and Local 480 discuss the application of bereavement leave with respect to diverse groups.

**Document Review 16**

3.35 Issues arising from the overall administration of sick leave continue to be addressed by the Joint Rehabilitation Committee of Local 480.

3.36 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU consider establishing a committee similar to the Joint Rehabilitation Committee of Local 480 to discuss issues arising from the overall administration of sick leave.

**Document Review 17**

3.37 By December 31, 2004, the Department of Justice and Local 480 discuss the application of holiday articles in the collective agreement with respect to diverse groups.

3.38 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC and the NSGEU discuss the application of holiday articles in the collective agreement with respect to diverse groups.

**Document Review 22**

3.39 By March 31, 2006, critical incident stress management team members have representation from the designated group members and receive critical incident stress management training.

3.40 By December 31, 2005, the Nova Scotia Youth Facility develop a system that is fair and equitable for calling out casual staff, using casual staff to replace longer-term temporary vacancies, and the distribution of hours for casual staff.

# System Four: Training and Development

## Purpose

To improve an employee's performance in their current job and to enable them to acquire the necessary skills and knowledge for future opportunities.

## Checklist Analysis Form

| Training and Development/Career Development System | Yes | No |
|---|---|---|
| 1. Does your organization have a training and development policy based on employment equity principles? | Not Sure | |
| 2. Are all employees aware of the organization's training and development opportunities? | | ✓ |
| 3. Do all employees have access to training and development opportunities? | | ✓ |
| 4. Have you ensured that there are no restrictions to training opportunities based on occupational levels and earnings? | | ✓ |
| 5. Are training centres accessible to persons with disabilities? | | ✓ |
| 6. Do employees have access to in-house or company-paid career counselling? | | ✓ |
| 7. Is there a process in place for selecting staff trainers that is based on employment equity principles? | ✓ | |

1. Does your organization have a training and development policy based on employment equity principles? **Not Sure**

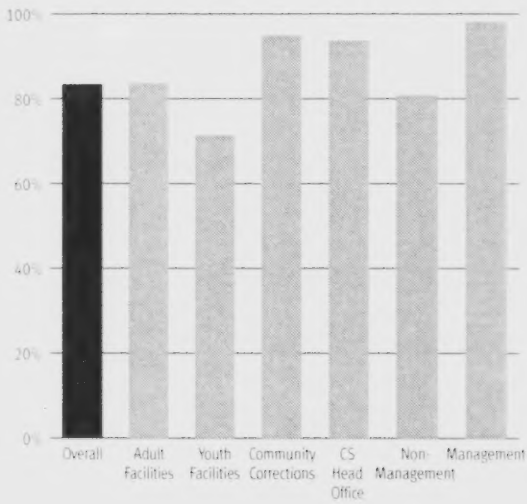
### Analysis and Recommendations

There is no formal process to determine if the training and development policies are based on employment equity principles. Therefore, the advisory committee recommends that

4.1 Correctional Services and the Justice HR CSU review, by March 31, 2005, their training and development policies to see if they are based on employment equity principles and revise the policies as needed.

2. Are all employees aware of the organization's training and development opportunities? **No**

**PERCENTAGE AWARE OF T&D OPPORTUNITIES**




**Analysis and Recommendations**

Most, 83.3 per cent, of the respondents to the employee survey are aware of the training and development (T&D) opportunities available to them. Fewer respondents from the youth facilities are aware of these opportunities, 71.4 per cent. More management than non-management staff are aware of the opportunities, 98.1 per cent versus 80.9 per cent, respectively (see Table 17, Appendix I).

Advisory committee members commented that the information on all training and development opportunities does not get to all staff. Some staff are selected to take training and development while others are not even aware of the opportunities. Therefore, the advisory committee recommends that

4.2 Starting in January 2005, the information on training and development opportunities (provided by the PSC, the Justice Learning Centre, the Justice HR CSU, and Correctional Services) be posted, for example, on the Intranet and bulletin boards, so that staff within Correctional Services are aware of these opportunities.

3. Do all employees have access to training and development opportunities? **No**

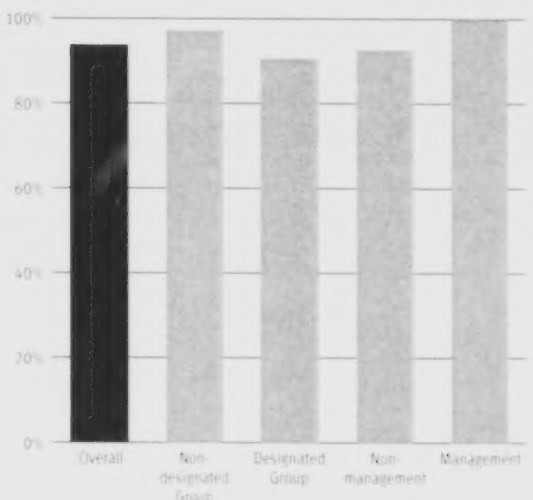
4. Have you ensured that there are no restrictions to training opportunities based on occupational levels and earnings? **No**

**Analysis and Recommendations**

Almost all, 93.7 per cent, of the respondents to the employee survey said that they have participated in training and development opportunities. More non-designated group members, 97.2 per cent, than designated group members, 90.6 per cent, reported that this is the case. All of management respondents and 92.7 per cent of non-management respondents have taken training and development (see Table 18, Appendix I).

Participants in the interviews and focus groups said that there is a lot of training provided in Correctional Services. Correctional Services has identified certain training as mandatory, based on specific job requirements. Some training is provided on a regular schedule, such as first aid/CPR recertification. Correctional Services tracks mandatory training to ensure that staff are provided with the training when needed and to ensure that all staff that are required to take the training have taken it.

**Percentage Participated in T&D Opportunities**




Participants said that if training is not designated as mandatory, staff may not be able to participate in the training; some management staff are more supportive of non-mandatory training than others. Due to the costs of mandatory training and limited budgets, management may be reluctant to approve additional training due to the additional costs and lost time. Some participants said that they have not been able to take any non-mandatory training for quite a while.

Some participants said that they are responsible for delivering programs to offenders, but they have not taken a course on these programs for several years, if at all. They said that they have applied for courses, but these have not been approved.

A thorough needs assessment of Correctional Services staff's training needs should be undertaken. Therefore, the advisory committee recommends that

4.3 Correctional Services, in co-operation with the Justice HR CSU, undertake a needs assessment of staff's training needs by September 30, 2005.

Casual and part-time staff are very important to the delivery of services, yet they are not provided with the same training as full-time staff. Therefore, the advisory committee recommends that

4.4 Correctional Services and the Justice HR CSU consider the allocation of some training money for casual and part-time staff, on a case-by-case basis, starting in the 2005–2006 fiscal year.

5. Are training centres accessible to persons with disabilities? **No**

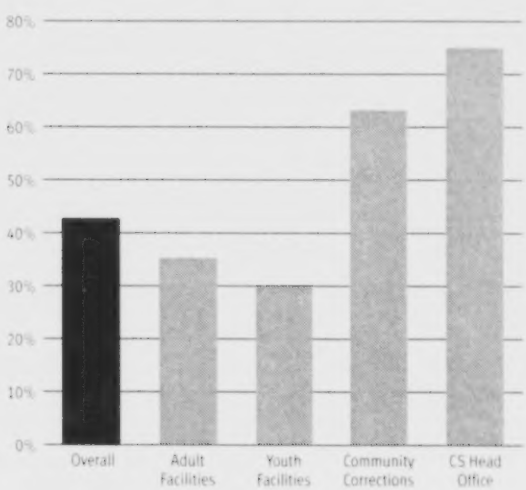
**Analysis and Recommendations**

Participants in the interviews and focus groups said that most of the facilities used for training are accessible to people with disabilities. When booking training facilities, staff try to book facilities that are accessible. In the rural areas there are fewer choices, and sometimes training is held in a building that may not be accessible. Therefore, the advisory committee recommends that

4.5 Correctional Services and the Justice HR CSU ensure that all training locations are accessible to persons with disabilities by January 1, 2006.

6. Do employees have access to in-house or company-paid career counselling? **No**

**PERCENTAGE FEEL HAVE ACCESS TP CAREER COUNSELLING**




**Analysis and Recommendations**

Less than half, 42.7 per cent, of the respondents to the employee survey feel that they have access to paid career counselling. More respondents in head office and community corrections, than in the facilities, feel that they have access (see Table 19, Appendix 1).

Some focus group participants said that they feel that career counselling would be provided when a facility closes. When layoffs occur, career counselling is provided through the PSC, on a contract basis by Career and Outplacement Counselling. Staff should not have to wait for a crisis situation to be provided with career counselling. Therefore, it is recommended that

4.6 By March 31, 2006, Correctional Services and the Justice HR CSU explore mechanisms for providing staff with career counselling and start providing career counselling during the 2006–2007 fiscal year.

7. Is there a process in place for selecting staff trainers that is based on employment equity principles? **YES**

**Analysis and Recommendations**

There is a process in place for selecting staff trainers. An expression of interest is posted for staff to become part-time trainers. Staff submit applications, and interviews are held. The results of the interviews determine which employees are to become part-time staff trainers. As long as fair hiring practices are used in the selection of part-time trainers, the advisory committee feels that it is based on employment equity principles.

Some participants in the focus groups feel that there is not enough information in the expressions of interest for staff to know what is involved in becoming a staff trainer. Therefore, the advisory committee recommends that

4.7 Starting in January 2005, Correctional Services provide more information in the expressions of interest for staff trainers and provide a contact number for follow-up questions.

Some participants said that some of the part-time trainers do not have the qualifications to teach the program; even some trainers feel that they are not qualified sometimes. When the trainers are providing the program, they need to know the content. Therefore, it is recommended that

4.8 By April 1, 2006, all training conducted by Correctional Services be provided by instructors who have received the training program and are qualified to teach the program.

### Document Review

| Training and Development/Career Development System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 1. *Manual 500*: Training and Development | Yes | No |
| 2. NSGEU Master Collective Agreement Article 20.19: Educational Leave | Yes | No |
| 3. Local 480 Collective Agreement Article 37: Training | Yes | No |
| 4. General Civil Service Regulations Section 83: Staff Training and Development | No | Yes |
| 5. Correctional Services *Policies & Procedures Manual* Section 4: Staff Training | Yes | No |
| 6. Standing Operating Procedures Nova Scotia Youth Facility Section 4: Training | No | Yes |
| 7. Cumberland Correctional Facility Standard Operating Procedures Section 4: Staff Training and Development | No | Yes |

| Training and Development/Career Development System | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 1. *Manual 500*: Training and Development | Yes | No |

#### Analysis and Recommendations

The training and development policy includes training for a person's current position, as well as developmental training for future promotions or lateral mobility. The policy states that employees will be selected for development training based on set criteria. One of the criteria is based on developmental initiatives that are taken independently by the employee. This may adversely affect staff who do not have the financial resources or the time available to take training outside of work time. Therefore, the advisory committee recommends that

4.9 The Department of Justice recommend to the PSC, by September 30, 2004, that the training policy be revised to remove the criteria that employees be selected for developmental training on the basis of "developmental initiatives taken independently by the employee."

Staff in community corrections, and possibly some other staff, are not replaced when they take training and development courses. When they return to work they have to deal with the work they missed when they were off taking training, as well as the new work that has been assigned to them. As there are fewer staff in the designated groups, this has a higher proportional impact on them. This may affect designated group members' and other staff members' decisions about taking training and development opportunities, which may further affect their promotional opportunities. Hiring more designated group members should help address these issues.

The policy says that reasonable requests for education leave and assistance are to be considered fairly and equitably. Therefore, it is important that any denials be fully explained to the staff member. This is included as part of recommendation 3.14.

| TRAINING AND DEVELOPMENT/CAREER DEVELOPMENT SYSTEM | ADVERSE IMPACT ON DESIGNATED GROUP MEMBERS? | BENEFIT ALL EMPLOYEES? |
|---|---|---|
| 2. NSGEU Master Collective Agreement Article 20.19: Educational Leave | Yes | No |

**Analysis and Recommendations**

The issues with the collective agreement are the same as those with the training policy in *Manual 500*, see recommendation 4.9.

| Training and Development/Career Development System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 3. Local 480 Collective Agreement Article 37: Training | Yes | No |

**Analysis and Recommendations**

This article of the collective agreement puts a limit of $3,000 on training for a calender year. This is not what is practised, yet it creates a potential barrier. Therefore, the advisory committee recommends that

4.10 By December 31, 2004, the Department of Justice recommend that the NSGEU review the clause in the Local 480 Collective Agreement that limits the annual contribution for training to $3,000, see Article 37(2).

| Training and Development/Career Development System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 4. General Civil Service Regulations Section 83: Staff Training and Development | No | Yes |

**Analysis and Recommendations**

There is no perceived adverse impact on designated group members, and this section of the regulations appears to benefit all employees.

| Training and Development/Career Development System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 5. Correctional Services *Policies & Procedures Manual* Section 4: Staff Training | Yes | No |

**Analysis and Recommendations**

Some of the terminology in the staff training section of the *Policies & Procedures Manual* is not defined and, therefore, is open to interpretation that may adversely affect designated group members. For example, section 4.1.1 mentions that training staff show "professionalism," and in sections 2.2.1.3 and 4.1.9.3 the term "inappropriate manner" is not defined. Revisions to the language used in the manual are included as part of recommendation C.

| Training and Development/Career Development System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 6. Standing Operating Procedures Nova Scotia Youth Facility Section 4: Training | No | Yes |

**Analysis and Recommendations**

This section of the Nova Scotia Youth Facility's SOPs may be representative of other SOPs in that it lists the mandatory training required of staff. Both the Diversity and Employment Equity and the Sexual Harassment and No Discrimination training are identified as mandatory. Throughout the interviews and focus groups, participants said that staff should have to take these training programs more than once, and there should be refresher courses. Therefore, the advisory committee recommends that

4.11 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC set "refresher" standards for the diversity and employment equity and the sexual harassment and no discrimination training.

Correctional Services tracks staff who have taken mandatory training. To ensure that all staff are current in their mandatory training, the advisory committee recommends that

4.12 Starting with an audit of the 2004–2005 training year, by June 30 of each year, Correctional Services complete an annual audit of their previous year's mandatory

training to ensure that all staff required to take the mandatory training have completed the training.

| Training and Development/Career Development System | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 7. Cumberland Correctional Facility Standard Operating Procedures Section 4: Staff Training and Development | No | Yes |

**Analysis and Recommendations**

All the issues related to training and development are covered in previous recommendations. However, it is important to recognize that issues around training and development may be more substantial in smaller facilities, as it may be harder to get replacement staff.

## Summary of Recommendations

**Checklist Item 1**

4.1 Correctional Services and the Justice HR CSU review, by March 31, 2005, their training and development policies to see if they are based on employment equity principles and revise the policies as needed.

**Checklist Item 2**

4.2 Starting in January 2005, the information on training and development opportunities (provided by the PSC, the Justice Learning Centre, the Justice HR CSU, and Correctional Services) be posted, for example, on the Intranet and bulletin boards, so that staff within Correctional Services are aware of these opportunities.

**Checklist Items 3 and 4**

**4.3 Correctional Services, in co-operation with the Justice HR CSU, undertake a needs assessment of staff's training needs by September 30, 2005.**

4.4 Correctional Services and the Justice HR CSU consider the allocation of some training money for casual and part-time staff, on a case-by-case basis, starting in the 2005–2006 fiscal year.

**Checklist Item 5**

4.5 Correctional Services and the Justice HR CSU ensure that all training locations are accessible to persons with disabilities by January 1, 2006.

**Checklist Item 6**

4.6 By March 31, 2006, Correctional Services and the Justice HR CSU explore mechanisms for providing staff with career counselling and start providing career counselling during the 2006–2007 fiscal year.

**Checklist Item 7**

4.7 Starting in January 2005, Correctional Services provide more information in the expression of interests for staff trainers and provide a contact number for follow-up questions.

4.8 By April 1, 2006, all training conducted by Correctional Services be provided by instructors who have received the training program and are qualified to teach the program.

**Document Review 1**

4.9 The Department of Justice recommend to the PSC, by September 30, 2004, that the training policy be revised to remove the criteria that employees be selected for developmental training on the basis of "developmental initiatives taken independently by the employee."

**Document Review 3**

4.10 By December 31, 2004, the Department of Justice recommend that the NSGEU review the clause in the Local 480 Collective Agreement that limits the annual contribution for training to $3,000, see Article 37(2).

**Document Review 6**

**4.11 The Department of Justice recommend to the PSC, by September 30, 2004, that the PSC set "refresher" standards for the diversity and employment equity and the sexual harassment and no discrimination training.**

4.12 Starting with an audit of the 2004–2005 training year, by June 30 of each year, Correctional Services complete an annual audit of their previous year's mandatory training to ensure that all staff required to take the mandatory training have completed the training.

## System Five: Promotion/Upward Mobility

### Purpose

To promote the best candidates to more senior positions in the organization.

### Checklist Analysis Form

| Promotion/Upward Mobility System | Yes | No |
|---|---|---|
| 1. Have you identified formal lines of progression or career paths for each occupational group? | ✓ | ✓ |
| 2. Has this information been made available to all employees as part of a career counselling and performance appraisal session? | | ✓ |
| 3. Are there entry level jobs in each job category from which employees have the opportunity to advance? | ✓ | |
| 4. Are there established criteria to select employees for upward mobility opportunities? | ✓ | |
| 5. Are there opportunities for career advancement within the organization? | ✓ | |

| 1. Have you identified formal lines of progression or career paths for each occupational group? **Yes and No** |
|---|

**Analysis and Recommendations**

In most classifications there are identified lines of progression, but for most occupations there are limited or no career paths. For example, in some adult facilities staff could go from a part-time correctional officer, to a full-time correctional officer or correctional worker, to a classification officer, to a sergeant, to a captain, to deputy superintendent, to superintendent. There is little opportunity for support staff, such as clerical staff or cooks, to progress within correctional services.

Having two unions within Correctional Services creates a barrier for employees in the bargaining units wishing to transfer between adult facilities and the rest of Correctional Services.

2. Has this information been made available to all employees as part of a career counselling and performance appraisal session? **No**

**Analysis and Recommendations**

Interview participants said that staff would become aware of opportunities when they are posted, by talking with other staff, through informal discussions with their supervisors, and at staff meetings. More work must be done to make this information available through career counselling (recommendation 4.6) and performance appraisals. Annual performance appraisals need to be done, and managers and supervisors need to be held accountable for ensuring that annual performance appraisals are completed. Therefore, the advisory committee recommends that

5.1 Starting with the 2005–2006 fiscal year, Correctional Services ensure that annual performance appraisals are completed for all staff.

5.2 Starting with the 2005–2006 fiscal year, the performance appraisals of managers and supervisors have a performance goal of completing annual performance appraisals on all staff who report to them.

3. Are there entry level jobs in each job category from which employees have the opportunity to advance? **Yes**

**Analysis and Recommendations**

For those classifications where there are identified lines of progression there are entry-level positions.

4. Are there established criteria to select employees for upward mobility opportunities? **Yes**

**Analysis and Recommendations**

Some interview participants feel that the criteria for upward mobility opportunities are determined through the competition process. Others feel that opportunities are given to people that management like or are based on whom the staff person knows and that not all acting positions or secondment opportunities are posted.

Participants remarked that taking acting positions may help them in their career, but there is no guarantee that this will happen. Some said that staff do not want to take acting positions because it puts them in conflict with their peers.

Training may be a criteria for promotional opportunities; however, some participants said that training is not always available to staff.

Upward mobility within bargaining unit positions follows the rules of the separate collective agreements.

The implementation of earlier recommendations in the report will help ensure that upward mobility opportunities are fair and equitable.

5. Are there opportunities for career advancement within the organization? **YES**

**Analysis and Recommendations**

Over half, 51.9 per cent, of the respondents to the employee survey feel that there are opportunities for career advancement within Correctional Services (see Table 20, Appendix 1).

**PERCENTAGE FEEL THERE IS CAREER ADVANCEMENT**

It appears that staff in Correctional Services stay on the job for a long time. Interview and focus group participants said that there is low turnover within Correctional Services, and therefore, there are few opportunities. Some participants said that there are more opportunities in the larger facilities, and the creation of the captain's positions in some adult facilities has provided more opportunities.

There are opportunities outside of Correctional Services, within other parts of the justice system, or in other government departments. Staff may not be aware of these opportunities. This information could be provided to staff through career counselling and performance appraisals (see recommendations 4.6 and 5.1).

### Document Review

| PROMOTION/UPWARD MOBILITY SYSTEM | ADVERSE IMPACT ON DESIGNATED GROUP MEMBERS? | BENEFIT ALL EMPLOYEES? |
|---|---|---|
| 1. *Manual 500*: Performance Management Policy | MAYBE | MAYBE NOT |
| 2. NSGEU Master Collective Agreement Article 23: Employee Performance Review and Employee Files; Local 480 Collective Agreement Article 20: Performance Review and Personnel File | NO | YES |

| PROMOTION/UPWARD MOBILITY SYSTEM | ADVERSE IMPACT ON DESIGNATED GROUP MEMBERS? | BENEFIT ALL EMPLOYEES? |
|---|---|---|
| 1. *Manual 500*: Performance Management Policy | MAYBE | MAYBE NOT |

**Analysis and Recommendations**

The performance appraisal process allows for the recording of staff members' participation on special committees and for activities that are above and beyond what is expected of them on the job. However, it appears that this information may not be used in performance appraisals. Therefore, the advisory committee recommends that

5.3 Correctional Services management staff receive training, by March 31, 2005, on how to recognize the extra efforts staff put into their jobs and report this in the performance appraisal process, for example, participation on joint occupational health and safety committees and other committees.

Staff members' cultural background may have an impact how they are perceived by management, and this may be reflected in their performance appraisals. For example, African Nova Scotians are raised to address inequity issues, and when they speak out they may be labeled as "troublemakers." Therefore, the advisory committee recommends that

5.4 Correctional Services management staff receive training, by March 31, 2005, on how to be sensitive to cultural and gender issues in the application of performance management.

5.5 The Justice HR CSU review, by December 31, 2004, the performance management training curriculum to determine if it needs to be updated to reflect cultural and gender issues.

| PROMOTION/UPWARD MOBILITY SYSTEM | ADVERSE IMPACT ON DESIGNATED GROUP MEMBERS? | BENEFIT ALL EMPLOYEES? |
|---|---|---|
| 2. NSGEU Master Collective Agreement Article 23: Employee Performance Review and Employee Files; Local 480 Collective Agreement Article 20: Performance Review and Personnel File | NO | YES |

**Analysis and Recommendations**

The issues with the collective agreements are similar to the ones already discussed; see recommendations 5.3–5.5.

## Summary of Recommendations

**Checklist Item 2**

5.1 Starting with the 2005–2006 fiscal year, Correctional Services ensure that annual performance appraisals are completed for all staff.

5.2 Starting with the 2005–2006 fiscal year, the performance appraisals of managers and supervisors have a performance goal of completing annual performance appraisals on all staff who report to them.

**Document Review 1**

**5.3 Correctional Services management staff receive training, by March 31, 2005, on how to recognize the extra efforts staff put into their jobs and report this in the performance appraisal process, for example, participation on joint occupational health and safety committees and other committees.**

5.4 **Correctional Services management staff receive training, by March 31, 2005, on how to be sensitive to cultural and gender issues in the application of performance management.**

5.5 The Justice HR CSU review, by December 31, 2004, the performance management training curriculum to determine if it needs to be updated to reflect cultural and gender issues.

## System Six: Layoff, Recall, Disciplinary Action, and Termination

### Purpose

Employer-initiated actions in response to such factors as shortage of work or funds, or unsatisfactory employee performance.

### Checklist Analysis Form

| Layoff, Recall, Disciplinary Action, and Termination | Yes | No |
|---|---|---|
| 1. Are layoff and termination decisions based on clearly defined, job-related, and objective criteria? | ✓ | |
| 2. Have your company's employees been provided with information on the organization's policies and procedures respecting layoff, recall, disciplinary action, and termination? | ✓ | |
| 3. Does management in your company follow an established procedure when taking disciplinary action against an employee? | ✓ | |
| 4. Does your company provide counselling and/or rehabilitation programs to employees? | ✓ | |
| 5. Do all employees have access to company employee assistance programs? | ✓ | |
| 6. Are formal exit interviews conducted to determine reasons for voluntary employee terminations? | | ✓ |

1. Are layoff and termination decisions based on clearly defined, job-related, and objective criteria? **Yes**

**Analysis and Recommendations**

Interview participants said that layoff and termination decisions affecting bargaining unit staff are based on the procedures in the collective agreements. Layoffs may be the result of budgetary decisions or the number of offenders in a facility.

Termination decisions also follow the procedures in the collective agreements and may be the result of performance issues or disciplinary actions.

Casual staff are subject to a mandatory layoff; however, they may not be aware of this at the time of hiring. If it is not already the practice of human resources, the advisory committee recommends that

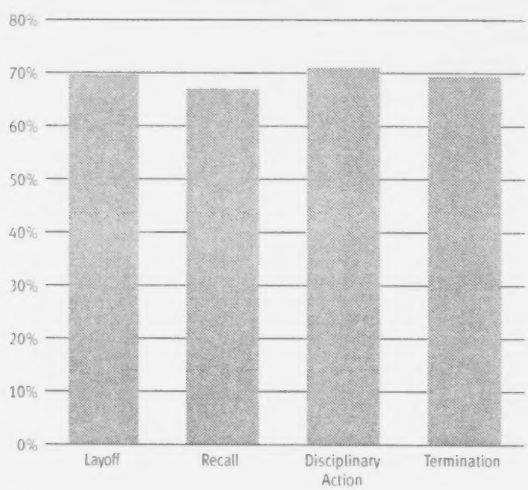
6.1 Starting January 2, 2005, at the time of hiring, all casual staff be made aware of the mandatory layoff per the Labour Standards Code.

**2. Have your company's employees been provided with information on the organization's policies and procedures respecting layoff, recall, disciplinary action, and termination? YES**

**Analysis and Recommendations**

Two-thirds of the respondents to the employee survey report they are familiar with the layoff, recall, disciplinary action, and termination provisions of their collective agreement or the Civil Service Act and regulations. For each of these (see Table 21, Appendix I)

**PERCENTAGE AWARE OF PROVISIONS**




- fewer respondents in the designated groups, compared to non-designated groups, are familiar with these provisions
- more management, than non-management, respondents are familiar with the provisions
- more respondents in Correctional Services' head office and the adult facilities, than in community corrections and the youth facilities, are familiar with the provisions

Bargaining unit staff are provided with a copy of the collective agreement when they are hired, and staff should have access to the Civil Service Act and regulations; however, staff may not be aware of the provisions in these documents. Therefore, the advisory committee recommends that

6.2 The Justice HR CSU include the information on layoffs, recall, disciplinary action, and terminations as part of the orientation package that goes to staff when they are first hired, and that this be included with the orientation package by January 15, 2005.

During the time of the review, staff at the Shelburne Youth Facility were notified that they were being laid off on April 1, 2004, as the youth facility is being closed. This layoff provides an opportunity to show how things work in practice. Communication is very important at this time. Some feedback on the process shows that there may be some frustration with the process and the way the system works. However, it is early in the process; therefore, it is recommended that

6.3 The Department of Justice review, by September 30, 2004, the processes used during the layoff of staff at the Shelburne Youth Facility to determine what worked well and what can be improved in the future.

There used to be a Transition Support Program for staff that were being laid off. This was removed in the last negotiations between the union and the employer, as the employer said that there would not be anymore layoffs. However, to ensure that staff have this type of program in case of layoff, the program should be reinstated, if there are no layoffs then it will not cost anything to have the program there. Therefore, it is recommended that

6.4 The Department of Justice recommend to the PSC, by September 30, 2004, that the Transition Support Program be reinstated.

Staff who have disabilities may be more severely affected by a layoff. They may rely on medical insurance to provide them with medications and other medical needs to keep their illness under control. The government's medical insurance does not continue once a person is laid off; therefore, these staff are under more pressure as they have to deal with the stress of being laid off and may not have medical insurance to help them with medications, adding additional stress. Therefore, it is recommended that

6.5 The Department of Justice recommend to the PSC, by September 30, 2004, that medical insurance coverage for staff who are laid off continue for as long as they are on the recall list.

3. Does management in your company follow an established procedure when taking disciplinary action against an employee? **YES**

**Analysis and Recommendations**

The Nova Scotia Government has a progressive disciplinary process. First an incident is reported or a complaint is received, an investigation occurs, and then a recommendation is made to Correctional Services head office. Human resources personnel are involved throughout the process. Staff are provided with coaching and counselling, and they may be

referred to the Employee Assistance Program. Depending on the severity of the incident, staff may be given time to take corrective action. The provisions of the collective agreement allow for a union representative to be present at any hearings related to disciplinary actions. The type of disciplinary action taken will depend on the severity of the incident.

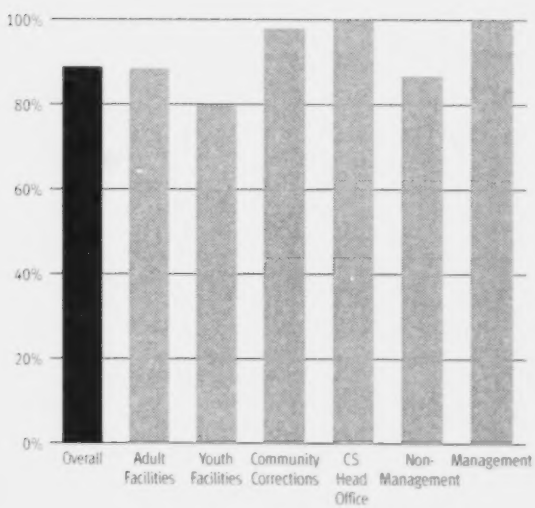
4. Does your company provide counselling and/or rehabilitation programs to employees? **YES**

**Analysis and Recommendations**

The Employee Assistance Program provides counselling and rehabilitation programs to staff. As well, critical incident debriefing is provided when needed.

5. Do all employees have access to company employee assistance programs? **YES**

**PERCENTAGE HAVE ACCESS TO EAP**




**Analysis and Recommendations**

All government employees, including Correctional Services staff, can access the Employee Assistance Program (EAP).

Most, 88.7 per cent, of the respondents to the employee survey feel that they have access to EAP. Fewer respondents in the youth facilities, 79.8 per cent, feel that they have access. As well, fewer non-management, than management, respondents feel that they have access, 86.8 per cent versus 100.0 per cent, respectively (see Table 22, Appendix I).

All staff should be made aware that they have access to EAP. Therefore, the advisory committee recommends that

6.6 Correctional Services ensure that EAP brochures are made available to all Correctional Services staff by December 31, 2004.

6. Are formal exit interviews conducted to determine reasons for voluntary employee terminations? **No**

**Analysis and Recommendations**

Formal exit interviews are not normally conducted. Occasionally an exit interview may be undertaken at the request of the staff member. Recommendation 3.22 calls for exit interviews to be implemented in Correctional Services by March 31, 2005.

## Document Review

| Layoff, Recall, Disciplinary Action, and Termination Systems | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 1. *Manual 500*: The Separation Procedure | **Yes** | **No** |
| 2. NSGEU Master Collective Agreement Article 24: Discipline and Discharge; Local 480 Collective Agreement Article 29: Discipline and Discharge | **Yes** | **No** |
| 3. NSGEU Master Collective Agreement Article 25: Notice of Resignation; Local 480 Collective Agreement Article 23: Notice of Resignation | **No** | **Yes** |
| 4. NSGEU Master Collective Agreement Article 34: Employment Stability; Local 480 Collective Agreement Article 42: Layoff and Recall | **Yes** | **No** |
| 5. Civil Service Act Section 25: Layoff or termination of services | **No** | **Yes** |
| 6. Civil Service Act Section 26: Suspension | **Yes** | **No** |
| 7. Civil Service Act Section 27: Dismissal | **Yes** | **No** |
| 8. Civil Service Act Section 28: Report | **No** | **Yes** |
| 9. General Civil Service Regulations Sections 86–92: Termination | **Yes** | **No** |

| Layoff, Recall, Disciplinary Action, and Termination Systems | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 1. *Manual 500*: The Separation Procedure | Yes | No |

**Analysis and Recommendations**

The separation procedure described in *Manual 500* says that an employee's services can be terminated for "just cause." Just cause is not clearly defined in the policy. Clarifying what termination for just cause means is a part of recommendation B.

| Layoff, Recall, Disciplinary Action, and Termination Systems | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 2. NSGEU Master Collective Agreement Article 24: Discipline and Discharge; Local 480 Collective Agreement Article 29: Discipline and Discharge | Yes | No |

**Analysis and Recommendations**

Section 24.03 of the NSGEU Master Collective Agreement is not completely gender neutral. Revising the language in the collective agreement is a part of recommendation A.

| Layoff, Recall, Disciplinary Action, and Termination Systems | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 3. NSGEU Master Collective Agreement Article 25: Notice of Resignation; Local 480 Collective Agreement Article 23: Notice of Resignation | No | Yes |

**Analysis and Recommendations**

There are no adverse impacts on designated group members in these articles. They are there to benefit all employees.

| Layoff, Recall, Disciplinary Action, and Termination Systems | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 4. NSGEU Master Collective Agreement Article 34: Employment Stability; Local 480 Collective Agreement Article 42: Layoff and Recall | Yes | No |

**Analysis and Recommendations**

Layoff and recall are based on seniority, subject to consideration of the ability, experience, qualifications, and any special skills or qualifications required for the job. This means that staff newer to the workforce would be the first to be laid off. The employee survey shows that some staff in the designated groups are newer to the workforce, e.g., aboriginal staff and females.

Negotiations are currently under way, or will soon be under way, for both the NSGEU Master Collective Agreement and the Local 480 Collective Agreement. In recommendation 1.30 the committee recommends these negotiations include consultations between the employer and the union to determine what actions can be taken to minimize the impact of seniority and other clauses that may adversely affect designated group members.

| Layoff, Recall, Disciplinary Action, and Termination Systems | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 5. Civil Service Act Section 25: Layoff or termination of services | No | Yes |

**Analysis and Recommendations**

The language in the Civil Service Act is not gender neutral. Revising the language is included as part of recommendation B.

| Layoff, Recall, Disciplinary Action, and Termination Systems | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 6. Civil Service Act Section 26: Suspension | Yes | No |

**Analysis and Recommendations**

As with *Manual 500*, the term "just cause" is not clearly defined. Clarification of this term in part of recommendation B.

| Layoff, Recall, Disciplinary Action, and Termination Systems | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 7. Civil Service Act Section 27: Dismissal | Yes | No |

**Analysis and Recommendations**

An employee may be dismissed for "cause." Clarification of this term is part of recommendation B.

| Layoff, Recall, Disciplinary Action, and Termination Systems | Adverse impact on designated group members? | Benefit all employees? |
|---|---|---|
| 8. Civil Service Act Section 28: Report | No | Yes |

**Analysis and Recommendations**

Any action related to the suspension or dismissal of an employee requires that it be reported in writing to the employee, including the reason for the action. This benefits all employees as the reasons for the suspension or dismissal are written down. There is no adverse impact on designated group members.

| Layoff, Recall, Disciplinary Action, and Termination Systems | Adverse Impact on Designated Group Members? | Benefit All Employees? |
|---|---|---|
| 9. General Civil Service Regulations Sections 86–92: Termination | Yes | No |

**Analysis and Recommendations**

Section 91 of the General Civil Service Regulations states that an employee may be terminated if they are incapable, and unlikely to be capable, of performing the duties of their position because of a mental or physical incapacity. This section of the regulations adversely affects designated group members. The advisory committee feels that employees with a mental or physical incapacity should not be singled out, that the section should apply to any employee who is incapable of performing the duties of their position. Therefore, the advisory committee recommends that

6.7 The Department of Justice recommend to the PSC, by September 30, 2004, that the language in section 91 of the General Civil Service Regulations be amended to remove the words "because of physical or mental incapacity."

Once these words are removed, section 91 may no longer be required as the other sections of the regulations may be sufficient.

## Summary of Recommendations

**Checklist Item 1**

6.1 Starting January 2, 2005, at the time of hiring, all casual staff be made aware of the mandatory layoff per the Labour Standards Code.

**Checklist Item 2**

**6.2 The Justice HR CSU include the information on layoffs, recall, disciplinary action, and terminations as part of the orientation package that goes to staff when they are first hired, and that this be included with the orientation package by January 15, 2005.**

6.3 The Department of Justice review, by September 30, 2004, the processes used during the layoff of staff at the Shelburne Youth Facility to determine what worked well and what can be improved in the future.

6.4 The Department of Justice recommend to the PSC, by September 30, 2004, that the Transition Support Program be reinstated.

6.5 The Department of Justice recommend to the PSC, by September 30, 2004, that medical insurance coverage for staff who are laid off continue for as long as they are on the recall list.

**Checklist Item 5**

6.6 Correctional Services ensure that EAP brochures are made available to all Correctional Services staff by December 31, 2004.

**Document Review 9**

6.7 The Department of Justice recommend to the PSC, by September 30, 2004, that the language in section 91 of the General Civil Service Regulations be amended to remove the words "because of physical or mental incapacity."

# Conclusion

## Findings

A review of the employment policies, practices, and procedures used in Correctional Services finds that there are systemic barriers to employment equity for all staff. Some of the systemic barriers are the result of

- cultural and gender biases in the documents reviewed
- policies and procedures not being implemented as required or being implemented inconsistently
- lack of training in areas such as leadership, performance management, recruitment and selection, and teamwork and respect
- job requirements that may not be based on bona fide job requirements
- union issues related to closed shops and seniority
- inaccessible facilities and lack of accommodation
- lack of career counselling and performance appraisals

**Designated Group Representation**

These systemic barriers may have resulted in the members of designated groups being under-represented in Correctional Services positions, particularly in management positions.

In the employee survey, staff were asked to self-identify if they are a member of any of the designated groups. Responses to the survey show that some of the designated groups are better represented in Correctional Services than others. The percentages of aboriginal staff and racially visible staff are similar to the working-age population in Nova Scotia, while the percentages of women and persons with disabilities are lower. All designated groups are under-represented in management positions. As well, designated group members do not appear to be well represented in the union executives and as union stewards. This creates barriers for staff who are members of the designated groups. For example, as there are no mentors in senior management positions, designated group members do not have anyone with their background at these levels, and if they have concerns they may not be willing to bring the issues forward. Strategies must be developed to increase the number of females and other designated group members applying for Correctional Services jobs and to increase the number being hired and promoted, particularly to management positions.

Equity in the Correctional Services organization is broader than staff; it includes equity for young people, offenders, and probationers. To help achieve equity, the diversity of staff should be reflective of the diversity of the young people, offender, and probationer

populations they serve. Information will need to be collected on the diversity of the young people, offender, and probationer populations.

A tracking system must be put in place to track who is applying for positions in Correctional Services, who is being hired and promoted, and who is leaving and why they are leaving. The implementation of exit interviews and the PSC's workforce survey should help in providing some information; however, there will still be gaps in the information. Therefore, it is recommended that

D. Correctional Services and the Justice HR CSU develop and implement a tracking system, by September 30, 2005, to track applications, hirings, promotions, and terminations and report on the percentage of designated group members at each of these steps. It is recommended that the results be reported quarterly on the Justice website and/or in the Correctional Services newsletter.

To help ensure that interview panels are sensitive to cultural and gender issues, interview panels must have representatives from the designated groups. Most interview panels have females on them; however, representation of other designated group members is lacking. Due to the small numbers of the other designated group members, it is sometimes operationally difficult to get representation; however, efforts need to be made to have them represented on interview panels. One way to ensure representation on the interview panels is to have a human resource consultant who is a member of a designated group. Therefore, it is recommended that

E. By April 1, 2005, the Justice HR CSU designate at least one human resource consultant position to be filled by a designated group member and use this consultant to participate on interview panels in Correctional Services.

**Gender, Racial, and Bullying Issues**

Gender issues are more prevalent in Correctional Services than racial issues. Staff make inappropriate comments to females, and some staff are not supportive of females working in Correctional Services. Interview and focus group participants provided examples of sexual harassment, racism, and bullying.

Bullying is not restricted to gender and racial issues. Bullying is prevalent between part-time and full-time staff and those staff that have rolled in from other facilities. A Department of Justice policy on bullying would demonstrate the department's commitment against bullying.

Participants feel that the training on sexual harassment and no discrimination and on

diversity and employment equity does help, but there needs to be more of it and staff should be required to take it more than once. As well, staff need to be made aware of the need for respect and be reminded about zero-tolerance in relation to the policies, including the intimidation policy. Training on how to work in team environments and on how to be respectful should be provided to all staff, including part-time and casual staff.

In addition, staff need to be held accountable for their actions. Managers and other staff who discriminate against or bully other staff need to be penalized. The penalties imposed must be reflective of the severity of the incident.

**Cultural and Gender Biases in Documents**

Throughout the documents reviewed, there were instances where the language was not gender neutral or was outdated; and several documents did not reflect current policies. As well, the documents contained cultural biases that must be removed. Recommendations include updating the collective agreements, legislation, government policies, Correctional Services policies and procedures, standard operating procedures, and training material to remove the cultural and gender biases.

**Policies and Procedures**

A number of interview and focus groups participants said that policies and procedures are applied inconsistently and that this leads to issues with offenders and staff and may make the work environment inhospitable. Both managers and line staff need to be aware of the policies and procedures, including the standard operating procedures, and how to apply these. There should also be monitoring to ensure that staff are implementing the policies and procedures appropriately.

More can be done on implementing the Affirmative Action Policy in the Department of Justice. The Public Service Commission is currently developing a resource that will help line departments implement the policy. Once this resource becomes available, the PSC should educate departments about the policy and provide resources to help departments implement the policy. After this occurs, departments must be held accountable for implementing the Affirmative Action Policy.

The Fair Hiring Policy outlines what government departments are to do to ensure that their hiring practices are fair. The Justice HR CSU is responsible for ensuring that the recruitment and selection processes follow the Fair Hiring Policy. They review the documentation on the shortlisting of candidates and the interview process to ensure that everything is done as required. Where the system may not reflect fair hiring practices is in secondment and expressions of interest opportunities. These opportunities do not have to be posted and may not be done in a fair and equitable manner. If Correctional Services wants to achieve

employment equity for all, these opportunities should be posted so that staff are aware of them and can apply for them.

**Training**

Training is a key component of Correctional Services. A number of courses have been identified as mandatory, and Correctional Services part-time trainers deliver a number of these mandatory programs. Staff need to be aware of and be provided with non-mandatory training opportunities; this could be done at the time of a performance appraisal when discussing performance development. Staff who are responsible for delivering specific programs should be able to take the training required to support them in delivering these programs.

The need for training was identified in a number of areas. Managers and supervisors need to be trained in performance management, leadership skills, equity, policies and procedures, and special leave entitlements. As well, managers and other staff need more training on disability and cultural issues. A thorough needs assessment would ensure that the training needs of Correctional Services staff are identified and mechanisms are put in place to meet these needs.

The recruitment and selection training provided by the Justice HR CSU provides staff with a good overview of the government policies on hiring, such as the Fair Hiring Policy. This training must be updated to reflect current policies and language and to address some of the issues identified during the employment systems review. Once the training material has been updated, all Correctional Services staff involved in the recruitment and selection processes need to take the training to ensure that they are current in their knowledge and to help them develop the skills they need.

**Bona Fide Job Requirements**

There may be barriers raised in relation to the education and the physical requirements for Correctional Services positions. Reviews need to be undertaken to determine the bona fide occupational requirements in relation to educational qualifications and the physical requirements of the various occupations within Correctional Services.

**Union Issues**

Both collective agreements in Correctional Services, the NSGEU Master Collective Agreement and the Local 480 Collective Agreement, have seniority clauses that are intended to protect union members; however, these clauses have resulted in creating adverse impacts on designated group members. Consultations need to be undertaken between the employers and the unions to develop actions to minimize the impact of these clauses on designated group members.

There are also barriers from having two collective agreements within Correctional Services. Both are considered to be closed shop, i.e., bargaining unit members have first chance at bargaining unit positions. This creates barriers to movement between the adult facilities and community corrections and youth facilities. These barriers are more noticeable when there are layoffs at one facility, while another facility is hiring staff, but staff cannot move between the two because of the different unions. Therefore, it is recommended that:

F. The Department of Justice and the PSC, with the union representatives from both unions, explore ways of removing the barriers between the two unions that represent Correctional Services employees. It is recommended that discussions start by April 1, 2005.

**Accessibility and Accommodations**

A number of interview and focus group participants reported that their worksite was not accessible by people with disabilities. An accessibility review must be undertaken, including recommendations for improving accessibility.

Some staff reported awareness of disability and cultural issues; however, in general, there is a lack of awareness about disability and cultural issues within Correctional Services. In order to increase awareness and effect changes, education is key. Education must be provided on disability issues, what accommodations mean, cultural issues, etc.

Accommodations, such as job sharing and flex time, help staff with family commitments meet these commitments. A pilot project on job sharing and flex time in a 24-hour, 7 days a week, operation can demonstrate a commitment to looking at new ways of doing business, while providing accommodations to staff.

**Performance Appraisals and Career Counselling**

Performance appraisals and career counselling can help staff identify where they want to move in their career, including positions within Correctional Services, and what training they require. These do not occur regularly or consistently in Correctional Services. More priority and accountability must be placed on annual performance appraisals and providing information to staff on upward mobility opportunities in Correctional Services and elsewhere.

**Communication**

Communication is an important component in ensuring equity in the workplace. However, it is not clear how much of what is communicated from Correctional Services' head office makes it to front-line staff. It would appear that not everything that should be is passed on to staff, or if it is, it may be delayed. It may also be that the methods of communication are

not working. For example, interview and focus group participants, as well as the advisory committee, were not aware that there is an equity manager in Correctional Services, even though there was communication about the function. Some staff were not aware that there is an equity committee. Efforts need to be taken to improve communication between management and staff in Correctional Services. Therefore, it is recommended that

G. Correctional Services develop mechanisms, by June 30, 2005, to improve the lines of communication between head office and field staff, and between management and other staff, and that Correctional Services monitor to ensure that these mechanisms are implemented and result in improved communication.

## Equity in Correctional Services

Correctional Services says it is committed to ensuring that there is employment equity for all staff. Recently they have established an equity manager function in Correctional Services, for all sections of Correctional Services. As well, they are currently establishing an Equity Committee that will have representatives from the designated groups and from each section of Correctional Services, regional representation, and management and bargaining unit staff representation.

To show that Correctional Services is committed to equity, the equity manager function and the equity committee need to have the authority and the resources required to do their work. The duties of the equity manager are still being defined. The equity manager should be responsible for the following:

- investigating discrimination and harassment complaints, by staff, young people, offenders, and probationers
- responding to requests from staff, young people, offenders, and probationers related to cultural and religious beliefs
- providing advice and education to Correctional Services staff on equity issues
- developing, implementing, and monitoring workforce and offender statistics
- developing and implementing an equity plan, which could include some of the recommendations from the employment systems review
- developing and/or revising policies and procedures, as needed
- auditing and reviewing policies, practices, and procedures for their impact on designated group members, both staff and offenders
- liaising with other Justice staff and the PSC on equity issues

If the equity manager is to undertake these responsibilities then he or she must be given the authority, the time, and the resources to do them. It is unreasonable to expect that the equity manager can do all of this and continue with their day-to-day responsibilities. Therefore, it is recommended that:

H. By April 1, 2005, the equity manager function in Correctional Services become a full-time position reporting directly to the Executive Director of Correctional Services.

## Accountability

### Recommendation Implementation

The Correctional Services Employment Systems Review report is being submitted to the Deputy Minister of Justice by March 31, 2004. The advisory committee recommends that

I. The Deputy Minister meet with the advisory committee on April 30, 2004, to discuss the report and clarify any issues.

The advisory committee feels that the Deputy Minister should prepare an official response to the report, indicating which recommendations will be implemented. The advisory committee recommends that

J. The Deputy Minister prepare an official response to the report by June 30, 2004.

It is important that action be taken on the recommendations in the report and that regular reporting be undertaken on progress towards the implementation of the recommendations. The first report should be provided, in person, to advisory committee members early in December 2004, with follow-up reports every six months. Therefore, the advisory committee recommends that

K. The Deputy Minister meet with advisory committee members in early December 2004, to report on the progress in implementing the recommendations in the Correctional Services Employment Systems Review report.

It is also recommended that

L. Progress reports be prepared every six months and be made available to advisory committee members and Correctional Services staff.

### Performance Management

Accountability cannot rest solely with the Deputy Minister. Correctional Services staff need to be held accountable for achieving equity in Correctional Services – equity with staff, young persons, offenders, and probationers. Performance management is the best way to ensure accountability. If equity is a part of every Correctional Services staff member's performance goals, then all staff will be held accountable. For this to work, all staff need to receive training on developing performance goals and understanding equity issues. The human resource development consultants can provide this training and can work with management and front-line staff on developing equity goals. Therefore, it is recommended that

M. The Justice HR CSU provide performance management training to all Correctional Services staff and work with staff on the development of appropriate equity performance goals. It is recommended that training be provided to management and supervisory staff by March 31, 2005, and to the other Correctional Services staff by December 31, 2005.

The management team in Correctional Services must be committed to diversity and to implementing the recommendations in this report. Therefore, it is recommended that

N. By April 1, 2005, the performance goals for the management team in Correctional Services reflect the implementation of the recommendations in this report.

O. By March 31, 2005, the Justice HR CSU provide the Correctional Services management team (including the executive director, directors, superintendents, deputy superintendents, captains, and senior probation officers) as intact groups, with training on diversity, on dealing with cultural and gender issues, and on how to communicate follow-up to this report. It is recommended that no management be excluded from this training.

## Designated Lead

There are a number of recommendations in this report, over 130 recommendations. The recommendations have an impact on Correctional Services, the Justice HR CSU, the PSC, and the unions. Designating a lead person in the Department of Justice will help to ensure that the recommendations are implemented and that progress on implementation is reported. The lead can also lead or support research activities that need to be undertaken.

In addition, this lead person could work closely with, provide support to, and help develop the Correctional Services Equity Manager position and the Equity Committee.

Therefore, it is recommended that

P. The Department of Justice establish a position, by August 1, 2004, to take the lead on the implementation of the recommendations in the Correctional Services Employment Systems Review report and to work closely with, support the work of, and help develop the Correctional Services Equity Manager position and the Correctional Services Equity Committee.

To demonstrate its commitment to employment equity and to ensure that equity principles are adhered to, it is recommended that

Q. The Department of Justice fill this designated lead position through a competition process, based on the Fair Hiring Policy.

## Future Monitoring and Evaluation

This employment systems review has identified a number of recommendations that are intended to remove barriers to employment equity within Correctional Services. To ensure that the recommendations are meeting their intended outcomes, it is necessary to evaluate the impact of these recommendations. One way to do this is to undertake another employment systems review of Correctional Services in 2009, after the recommendations have been fully implemented and have had time to have an impact. As well, research should be undertaken to determine if there are tools in place to measure perceptions of fairness and equity in employment systems on an annual basis. Therefore, it is recommended that

R. Correctional Services undertake another employment systems review in 2009.

S. Correctional Services explore mechanisms to measure, annually, starting in the fall of 2005, attitudes on perceptions of fairness and equity in employment systems.

Others in the Department of Justice can learn from the Correctional Services Employment Systems Review. The Department of Justice should play a leadership role in ensuring employment equity for all Department of Justice staff. This can be accomplished by demonstrating a commitment to implementing the recommendations in this report and by reviewing the recommendations in the report and seeing how they can be applied to the rest of the department.

The Affirmative Action Policy states that each department is responsible to "analyse employment systems to identify and remove barriers to employment, retention and the advancement for members of the designated groups." The lead person at the department could work with other divisions to undertake an employment systems review.

# GLOSSARY

**Aboriginal peoples** are North American Indian, Inuit, or Métis.

**Affirmative action** refers to strategies, plans and programs to help remove barriers to designated groups.

**Accommodations** at the workplace include, but are not limited to, things such as religious holidays, flex time, job sharing, and physical accommodations, for example, modifications to work stations to accommodate a physical disability.

**Affirmative action** refers to the strategies, plans, and programs designed to help remove barriers.

**Bona fide job requirement** is "an employment requirement that is necessary for the safe, efficient and reliable performance of the essential components of the job."[11]

**Designated groups** are aboriginal peoples, racially visible peoples, persons with disabilities, and women in positions where they are under-represented.

**Diversity management** "is the planning, developing and managing of human resources while acknowledging and valuing the difference all employees bring to the workforce."[12]

**Employment equity** means that

- all people have equal opportunity to exercise their full potential
- no one is denied employment and career opportunities for reasons unrelated to their abilities
- legitimate needs of people in the workplace are accommodated
- no arbitrary obstacles in the employment systems' policies, practices, and procedures stand between a person's potential and their opportunity to exercise their potential[13]

**Employment systems review** is a comprehensive examination of written and unwritten, formal and informal, employment policies, practices, and procedures, to identify and permit the removal of systemic and attitudinal barriers to employment opportunities in the designated groups.

11. Source: Employment and Immigration Canada, *Employment Systems Review Guide*.
12. Source: PSC presentation to the Correctional Services Advisory Committee, January 7, 2004.
13. Public Service Commission of Canada, *Staffing Module C – Employment Equity*.

**Persons with disabilities** are persons with a permanent disability due to a long-term physical or mental condition, or health problem.

**Racially visible peoples** are Black; East Asian; South Asian, Southeast Asian; West Asian/Arab; Latin, South or Central American; or Pacific Islands.

**Systemic barriers** or systemic discrimination are barriers that affect the system as a whole and result from policies, practices, and procedures that have the effect of excluding different groups or people with shared identities, such as race, age, and gender. They are subtle, sometimes difficult to detect, and are based on policies, practices, and procedures that are not job related nor required for the safe and efficient operation of the organization.

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# APPENDIX A: CORRECTIONAL SERVICES EMPLOYMENT SYSTEMS REVIEW TERMS OF REFERENCE

## Purpose

The following terms of reference outline the goals, objectives, methodology, deliverables and time frame for the Employment Systems Review of Correctional Services at the Department of Justice.

Employment systems refer to the policies and practices, both formal and informal, used to recruit, hire, pay, manage and develop human resources in an organization. An employment systems review (ESR) is a comprehensive examination of written and unwritten, formal and informal, employment policies and practices to identify and permit removal of systemic and attitudinal barriers to employment opportunities for persons in the designated groups. The designated groups are aboriginal peoples, persons with disabilities, racially visible persons and women. An ESR provides an organization with information on what works well and what areas require improvements.

## Goals and Objectives

The overall goal of the Correctional Services Employment Systems Review is to ensure that employment policies and practices of the Correctional Services Division promote equity in the workplace, consistent with the expectations that the Public Service Commission has with respect to all government departments, agencies, boards and commissions. The review will identify any barriers to achieving the above goal and will make recommendations for overcoming these barriers.

All aspects of Correctional Services, i.e., administration, community programs, youth centres and adult institutions, will be included in the review.

The specific objectives of the Correctional Services ESR are to:

- Examine written and unwritten, formal and informal, employment policies and practices in Correctional Services, specifically in the following employment systems: recruitment, hiring[14], selection, retention, career development, promotion, discipline and termination.

14. Note that discussion and analysis of the hiring system will be captured as part of the recruitment and selection systems.

- Provide advice to Correctional Services regarding the duties of the Equity Manager function which has been identified to assist in overseeing implementation of initiatives designed to bring about substantive equity.
- Provide advice regarding the adequacy of existing anti-harassment policies and advise regarding changes if improvement is required.

While undertaking the ESR additional information will be gathered to:

- Provide advice regarding the best method to ensure that employment equity and equity in service delivery is incorporated into the performance management system.

## Processes and Methodology

The Federal Government developed methodology to be used for employment systems review under the Federal Contractors Program. This methodology has been adapted by other governments and by Workplace Performance Technologies (Pty) Ltd in South Africa to meet the requirements of South Africa's Employment Equity Act. The employment systems' checklists used by the Federal Government will form the basis of the Correctional Services ESR.

Patterned after the Federal Contractors program ESR, the Correctional Services ESR will include:

- An explanation of the purpose of each system and its impact on potential and existing employees
- A yes/no checklist of employment equity policies and practices
- A close analysis of pertinent policies and procedures, and collective agreement articles
- An analysis of Checklist Items – the following criteria will be considered when analyzing each employment system:
  - *Legality*: does the policy or practice conform to applicable human rights and employment laws?
  - *Consistency*: is the policy or practice applied in a consistent manner?
  - *Adverse impact*: does the policy or practice have a negative impact on any designated group?
  - *Validity*: is the policy or practice objective and does it accomplish its predictive or evaluative function?
  - *Job-relatedness*: is the policy or practice based on bona fide occupational requirements?
  - *Business necessity*: is the policy or practice necessary for safe and efficient operation of the business?
- Recommendation(s) when appropriate

Information to complete the checklists and help with the checklist analysis will be obtained using a variety of methods: document reviews, employee survey, face-to-face interviews, and focus groups. An Employment Systems Review Advisory Committee (see details on membership and mandate below) will be established to review the information and provide input into the analysis and recommendations of the ESR.

**Document Reviews**
All employment policies and procedures used by Correctional Services, including anti-harassment policies, will be reviewed. The document review will provide information on formal policies. The document review will include, but not be limited to, a review of *Manual 500* (Government of Nova Scotia policies), the NSGEU Collective Agreement, Local 480 Collective Agreement, the Civil Service Act and General Civil Service Regulations, and anti-harassment policies.

**Employee Survey**
The employee survey will provide a workforce profile for Correctional Services and will provide information on employees' experience with the various employment systems. This information will be analysed and used in the completion of the checklists and analysis for each employment system. The analysis will include the identification of any differences between the designated and non-designated groups.

**Interviews and Focus Groups**
In addition to the employee survey, additional information will be gathered through face-to-face interviews and focus groups with selected individuals or groups. The individuals/groups will be selected from the following: Correctional Services management (including line managers), Correctional Services front-line staff, Human Resources staff, Correctional Services Equity Manager, individuals in designated groups, Equity Committee members, and Black Liaison Committee members. Others may be included as identified during the review process.

Sites for focus groups will be determined at a later date.

## Roles and Responsibilities

The Correctional Services Employment Systems Review will be undertaken by Terry Mills, Manager, Employment Systems Review at the Department of Justice. Ms. Mills will work closely with Heather Chandler at the Public Service Commission throughout the review. Ms. Chandler will consult with the Ms. Mills to provide advice and support for the review, undertake some interviews and focus groups, and participate on the ESR Advisory Committee.

Tool development and data collection will be undertaken by the Manager, Employment Systems Review, in consultation with Ms. Chandler. Once the data have been collected and an initial analysis undertaken, the information will be reviewed by the Employment Systems Review Advisory Committee. The ESR Advisory Committee will help with the analysis and interpretation of the information and the development of recommendations.

Ms. Mills will write the report based on the format outlined below, and submit the report to the Deputy Minister, Department of Justice.

## Employment Systems Review Advisory Committee

### Employment Systems Review Advisory Committee Membership

The Employment Systems Review Advisory Committee will be comprised of the following:

- Scott Borden, Probation Officer, Halifax Community Corrections Office
- Heather Chandler, Diversity Consultant, Public Service Commission
- Dan Cormier, Cook, Shelburne Youth Facility
- Rory Hancey, Labour Relations Consultant, Department of Justice
- Diana MacKinnon, Director, Correctional Services Division
- Terry Mills, Manager, Employment Systems Review
- Mary Ellen Paul, Probation Officer, Sydney Community Corrections Office
- Melanie Avery Sheppard, Youth Worker, Nova Scotia Youth Facility
- Jeannette Smith, Director, Human Resources
- Laurie Ann Sparks, Correctional Worker, Central Nova Scotia Correctional Facility
- Grant Vaughan, Employee Relations Officer, NSGEU
- Larry Worthen (Facilitator), Human Resources Development Consultant
- Larrie Wright, Equity Manager, Correctional Services

### Employment Systems Review Advisory Committee Mandate

The Committee will:

- Participate in an introductory meeting
- Review the information collected on each employment system
- Discuss and analyse the information
- Develop recommendations to overcome any barriers identified as a result of the analysis of the information
- Prioritize the recommendations
- Meet weekly for half days beginning the week of January 12, 2004

**Deliverables**

The Manager, Employment Systems Review, will prepare and submit a report to the Deputy Minister of Justice. The report will include the following sections:

- Executive Summary
- Introduction – to the project with relevant background information provided
- Process – a description of the process used
- Methodology – a description of the methodology used
- The results for each system – for each system there will be a description of the purpose for the system, a yes/no checklist, an analysis of the checklist items (including the results of the employee survey, interviews and focus groups, and the document review), an analysis of any document reviews, and recommendations
- Conclusions and Next Steps
- Appropriate appendices

**Time Lines**

The final report will be submitted to the Deputy Minister of Justice by March 31, 2004.

# Appendix B: Employee Survey

## CORRECTIONAL SERVICES DIVISION EMPLOYEE SURVEY

The Correctional Services Division and the Department of Justice are committed to the principle of equal treatment opportunity for all Nova Scotians. We want to ensure that the employment policies and practices of the Correctional Services Division promote equity in the workplace.

To pursue this objective, we need information from our employee population. By completing this questionnaire you will provide us with valuable information to help us assess current policies and practices.

### Confidential

**The Employee Survey is confidential.**

**The Manager, Employment Systems Review, Department of Justice, will be responsible for a computerized data bank containing your information. All information released from this survey will be in the form of statistics only, so that no individual employee is identified.**

**Thank You For Your Cooperation!**

**For Office Use Only** ☐

## Demographic Information

1. How long have you worked for the Correctional Services Division of the Nova Scotia Department of Justice?
   ❑ Less than a year or
   _____ Years

2. A. For the purpose of this survey, aboriginal peoples are persons who consider themselves to be North American Indian, Inuit, or Métis. Do you consider yourself to be an aboriginal person?
   1. ❑ Yes 2. ❑ No

   B. If Yes, please check the group below which best applies to you:
   1. ❑ North American Indian
   2. ❑ Inuit
   3. ❑ Métis
   4. ❑ Other: Please specify _____

3. A. For the purpose of this survey, racial visibility is defined by race or colour only, not citizenship, place of birth, religion, language, or cultural background. Do you consider yourself to be a racially visible person?
   1. ❑ Yes 2. ❑ No

   B. If Yes, please check the group below which best applies to you:
   1. ❑ Black (e.g., Canadian, American, Caribbean, African)
   2. ❑ East Asian (e.g., Chinese, Japanese, Korean)
   3. ❑ South Asian (e.g., East Indian, Pakistani, Sri Lankan, Bangladeshi)
   4. ❑ Southeast Asian (e.g., Burmese, Cambodian, Filipino, Laotian, Malaysian, Thai, Vietnamese)
   5. ❑ West Asian/Arab (e.g., Arab, Armenian, Iranian, Israeli, Lebanese, Palestinian, Syrian, Turkish)
   6. ❑ Latin, South or Central American
   7. ❑ Pacific Islands (e.g., Fijian, Polynesian)
   8. ❑ Other: Please Specify _____

4. A. For the purpose of this survey, permanent disability means any limitation in the kind or amount of activity that a person can do because of a long-term physical condition, mental condition, or health problem. Do you have a permanent disability?
   1. ❑ Yes 2. ❑ No

B. If Yes, please check the group below which best applies to you:

1. ❑ Mobility Impairment (Limited in the ability to walk)
2. ❑ Agility Impairment (Limited in coordination and/or walk)
3. ❑ Visual Impairment (If glasses or contacts correct condition, do not include yourself in this category)
4. ❑ Hearing Impairment
5. ❑ Speech Impairment
6. ❑ Intellectual Impairment (e.g., Down's Syndrome)
7. ❑ Learning Disability (e.g., Dyslexia)
8. ❑ Mental Health Disability (e.g., Depression, Schizophrenia)
9. ❑ Other (e.g., Diabetes, Epilepsy, Heart Condition) Please specify

_____

5. Are you?
   1. ❑ Female 2. ❑ Male

6. What classification and pay plan do you currently belong to (i.e., Correctional Officer/Worker, Maintenance Officer II, PR, MCP, MOS, CL, Cook, HSN)?

_____

7. What is your current job title?

_____

8. Where is your worksite located, e.g., Terminal Road Building, Yarmouth Community Corrections Office, Nova Scotia Youth Centre, Cumberland Correctional Centre?

_____

9. What is your current employment status with the Correctional Services Division?
   1. ❑ Permanent full-time
   2. ❑ Part-time
   3. ❑ Term
   4. ❑ Probationary
   5. ❑ Casual
   6. ❑ Fee-for-service
   7. ❑ Contract for Service or Contract of Service
   8. ❑ Other, please specify

_____

**EMPLOYMENT SYSTEMS**

The next set of questions relate to your experiences with the different employment policies and practices of the Correctional Services Division.

10. When you see a job advertised for the Correctional Services Division, that you may be interested in, do you know who to contact to get information about the job? If this question does not apply to you please check not applicable.
    1. ❑ Yes 2. ❑ No 3. ❑ Not applicable

11. During an interview for a Correctional Services Division job, have you ever felt that the questions asked were not relevant to the job? If you have not been through an interview process for a job with Correctional Services please check not applicable.
    1. ❑ Yes 2. ❑ No 3. ❑ Not applicable

12. Are you aware of the training and development (e.g., courses, workshops) opportunities that are available to Correctional Services Division employees?
    1. ❑ Yes 2. ❑ No

13. Have you participated in training and development activities since you started work for the Correctional Services Division?
    1. ❑ Yes 2. ❑ No

14. Do you have access to career development courses, such as career planning, that are paid for by the Correctional Services Division?
    1. ❑ Yes 2. ❑ No

15. Do you feel that there are opportunities to advance your career within the Correctional Services Division?
    1. ❑ Yes 2. ❑ No

16. Do you feel that workplace policies, legislation, regulations and directives are applied consistently throughout the Correctional Services Division?
    1. ❑ Yes 2. ❑ No

17. Do you feel that your work environment is hospitable to all employees?
    1. ❑ Yes 2. ❑ No

18. Reasonable accommodation at the workplace includes, but is not limited to, things such as religious holidays, flex time, job sharing and physical accommodations. Do you feel your workplace allows for reasonable accommodation of employees?
    1. ❑ Yes 2. ❑ No

19. Are you aware of the anti-harassment policies (i.e., sexual harassment and no discrimination policies) used by the Correctional Services Division?
    1. ❑ Yes 2. ❑ No

20. Do you feel that your worksite, including washrooms and other facilities, is accessible to employees with disabilities?
    1. ❑ Yes 2. ❑ No

21. Are you aware of the provisions in the collective agreement and the Civil Services Act and Regulations relating to:
    A. Layoff? 1. ❑ Yes 2. ❑ No
    B. Recall? 1. ❑ Yes 2. ❑ No
    C. Disciplinary action? 1. ❑ Yes 2. ❑ No
    D. Termination? 1. ❑ Yes 2. ❑ No

22. Do you feel that you will have access to the government's employee assistance program (EAP) when needed?
    1. ❑ Yes 2. ❑ No

23. Have you ever been a part of a group that have interviewed people who applied for a job with the Correctional Services Division?
    1. ❑ Yes 2. ❑ No

24. As part of the Employment Systems Review, we will be meeting with individuals and groups to collect more in-depth information? Would you be interested in participating in:
    A. A focus group 1. ❑ Yes 2. ❑ No
    B. A face-to-face interview 1. ❑ Yes 2. ❑ No

If you answered yes to either of these questions please provide your name, work address and phone number where you can be reached during the day on the attached sheet.

**FOR OFFICE USE ONLY**

Please complete the information requested below if you would like to participate in a face-to-face interview or a focus group.

Employee Name: _____

Work Address: _____

_____

Phone Number: _____

(Where you can be reached during the day)

If you have any questions on this survey please contact Terry Mills, Manager, Employment Systems Review at 424-2488. Please return the completed survey by October 15, 2003, in the envelop provided, to:

**Terry Mills, Manager, Employment Systems Review**
**Department of Justice**
**5151 Terminal Road, 4th fl.**
**PO Box 7, Halifax, NS B3J 2L6**

**THANK YOU FOR YOUR COOPERATION!**

## Appendix C:
## Focus Group Interview Guide

1. A. Do job postings accurately reflect the qualifications necessary to do the job? Please explain.
   B. Do they accurately reflect the duties of the job? Please explain.

2. In the employee survey over 20% of the respondents indicated that they felt there were questions asked during the interview process that were not related to the job. Have you ever been in an interview where you felt this was the case? Please provide details.

3. All Correctional Services staff are covered by the Public Service Commission's Affirmative Action Policy, Fair Hiring Policy and Secondment Policy.
   A. Do you feel that the Affirmative Action Policy is applied consistently at your worksite? (If necessary, probe to see if it is used) Please explain.
   B. Do you feel the Fair Hiring Policy is applied consistently at your worksite? (If necessary, probe to see if it is used) Please explain.
   C. Do you feel the Secondment Policy is applied consistently at your worksite? (If necessary, probe to see if it is used) Please explain.

4. All staff of Correctional Services are covered by the Public Service Commission's policy on sexual and other forms of personal harassment.
   A. Do you feel that the policies, as currently stated and utilized by Correctional Services, are effective?
   B. If no, why not?
   C. What suggestions do you have for improvement?

5. Do you feel that the training facilities used by Correctional Services are accessible to persons with disabilities? If no, please explain.

6. A number of respondents to the employee survey indicated that there are not opportunities for career advancement within Correctional Services. What do you feel are the criteria for career advancement opportunities?

7. In the employee survey, about half of the respondents felt that their workplace policies, legislation, regulations and directives were not applied consistently. What areas do you feel are not being applied consistently and why?

8. In the employee survey, about 40% of respondents felt that the work environment was not hospitable to all employees. Please provide examples.

9. Reasonable accommodation includes things such as religious holidays, flex time, job sharing and physical accommodation. Some respondents to the employee survey felt that the workplace did not allow for reasonable accommodation of employees. Please provide examples of the lack of accommodation?

10. Does Correctional Services supply technical aids to employees with disabilities? If yes, please provide some examples.

# Appendix D: Management Interview Guide

### Recruitment/Selection

The first set of questions relate to recruitment and selection processes.

1. A. Where are job postings posted?
   B. Are these locations accessible to all employees? (Probe re accessibility to employees in wheelchairs)

2. A. Is the language used in job postings and advertisements checked for gender and cultural biases?
   B. If yes, how is this done?

3. A. Do all job descriptions specify the physical requirements of the job?
   B. Do job advertisements/postings specify the physical requirements of the job?
   C. Are physical requirements for jobs based on physical demands analysis?

4. A. Section 5.3 of the Correctional Services Policy and Procedures states that a form from a physician as to the individual's fitness and ability is required based on specific job descriptions. Which jobs require such a form?
   B. How do you determine the fitness and ability level required for a job? (Need to determine if it is based on bona fide job requirements.)

5. **ADULT AND YOUTH FACILITIES ONLY:** Section 5.4 of the Correctional Services Policy and Procedures states that, as a condition of employment, successful candidates within the facilities are required to have proof of current standard First Aid/CPR accreditation.
   A. Does this apply to all positions within the facilities, e.g., clerical, correctional workers, etc.?
   B. Are there ever any exceptions to the policy? If yes, what are they?
   C. Is this policy required for the safe and efficient operation of the facilities?

6. What process is used to screen applicants for the eligible list for an interview? (If necessary, ask if screening criteria are developed prior to receiving the applications and if similar screening criteria are used for similar jobs across the province.)

7. A. Do you make provisions in the interview process to accommodate people with disabilities?
   B. If yes, please provide examples of what has been done.
   C. How do you determine that an accommodation is required for the interview?

8. A. Are efforts made to include designated group members on the interview teams?
   B. If yes, how do you determine the representation of the designated group members?

9. A. Are you familiar with human rights and other employment-related legislation?
   B. Are the people making the interview arrangements and meeting the interviewees familiar with human rights and other employment-related legislation?

10. Are you aware of Correctional Services' employment equity philosophy and goals?

11. A. Is the selection process, including the interviews, fully documented?
    B. If yes, please explain the documentation process.

12. A. Are all interview questions developed in advance of the interviews?
    B. If yes, please explain what process is used.

13. A. Does the interview panel agree on what is considered a successful response to all interview questions?
    B. If yes, please explain how this is done.

14. A. Are tests, including interview questions and other forms of testing, validated for job relatedness?
    B. If yes, please explain how this is done.

15. A. Are tests examined for gender and racial biases?
    B. If yes, how are these examined?

16. A. Are tests administered by trained personnel?
    B. If yes, what type of training have they received? (Probe to see if taken training on how to do interviews)

17. A. Are testing conditions standardized?
    B. If yes, what steps are taken to ensure that testing conditions are standardized?

18. A. Are testing facilities accessible to persons with disabilities?
    B. If no, please explain.

19. A. Are tests available in various media to accommodate applicants' needs, e.g., Braille, translation services?
    B. If yes, what types of accommodations are made (please provide examples)?

20. A. Are procedures for reference checks standardized?
    B. If yes, please explain what is done? Please provide copies of forms being used for reference checks if available.

21. All Correctional Services staff are covered by the Public Service Commission's Affirmative Action Policy, Fair Hiring Policy and Secondment Policy.
    A. Do you feel that the Affirmative Action Policy is applied consistently at your worksite? (If necessary, probe to see if it is used) Please explain.
    B. Do you feel the Fair Hiring Policy is applied consistently at your worksite? (If necessary, probe to see if it is used) Please explain.
    C. Do you feel the Secondment Policy is applied consistently at your worksite? (If necessary, probe to see if it is used) Please explain.

**Training and Development**

The next question relates to training and development.

22. How do you determine who gets what training? (Probe to see if all employees are entitled to the same training)

**Promotion System**

The next few questions are around upward mobility opportunities.

23. A. Have formal lines of progression or career paths for each occupational group been identified? If yes, please describe. If no, are there informal lines of progression? Please describe.
    B. Are there entry level jobs in each category from which employees have an opportunity to advance?
    C. How has information on career paths been made available to employees?

24. How are employees selected for upward mobility opportunities? Are there established criteria to select employees for these opportunities? If yes, explain them or provide copies of criteria.

### Conditions of Employment System

The next group of questions relate to conditions of employment which may impact on the retention of employees.

25. All staff of Correctional Services are covered by the Public Service Commission's policy on sexual and other forms of personal harassment.
    A. Do you feel that the policies, as currently stated and utilized by Correctional Services, are effective?
    B. If no, why not?
    C. What suggestions do you have for improvement?

26. A. Does your worksite have its own occupational health and safety committee?
    B. Do you have policies and procedures on occupational health and safety?
    C. If yes, have these been reviewed for their impact on designated group members?

27. In the employee survey, over one-third of respondents indicated that their worksite (or part of their worksite) was not accessible to persons with disabilities.
    A. Do you feel your worksite is accessible to persons with disabilities?
    B. If no, what measures, if any, have been taken to make your worksite accessible?

28. What types of accommodations have been made for employees? (Probe if necessary with examples: flex time, time for religious holidays, job sharing, physical accommodations.)

29. A. Under what circumstances, if any, would you supply technical aids to workers with disabilities?
    B. Have you ever supplied technical aids?

30. What procedures, if any, do you have in place to allow you to explore issues of employee retention?

31. In the employee survey, about half of respondents felt that workplace policies, legislation, regulations and directives were not applied consistently. We'll be exploring this further in the focus groups, but we also wanted to ask you as a manager what areas you feel are not being applied consistently and why?

    (If necessary indicate that this would include things such as the Attendance Management Policy, Correctional Services Policy and Procedures, Code of Professional Conduct, collective agreements, training and development, sick leave, overtime...)

### Layoff, Recall, Disciplinary Action and Termination Systems

The last set of questions relate to layoff, recall, disciplinary action and termination of employees.

32. How are layoff and termination decisions determined?

33. What is the established procedure for taking disciplinary action against an employee?

34. When, if at all, do you provide counselling and/or rehabilitation programs to employees?

35. A. Are there restrictions on employees' access to the Employee Assistance Program?
    B. If yes, please explain.

36. Under what circumstances, if any, do you conduct formal or informal exit interviews to determine reasons for voluntary employee terminations?

# Appendix E:
# Human Resources Interview Guide

### Recruitment/Selection

1. A. Where are job postings posted?
   B. Are these locations accessible to all employees? (Probe re accessibility to employees in wheelchairs)

2. Do all job postings indicate that Correctional Services is an employment equity employer?

3. A. Is the language used in job postings and advertisements checked for gender and cultural biases?
   B. If yes, how is this done?

4. A. Do you use illustrated material, e.g., posters or pictures, for recruiting?
   B. If yes, are they checked for gender and cultural biases?
   C. If yes, how is this done?

5. Are the various skill components in job descriptions broken down to reflect actual job requirements? Please explain.

6. A. Do all job descriptions specify the physical requirements of the job?
   B. Do job advertisements/postings specify the physical requirements of the job?
   C. Are physical requirements for jobs based on physical demands analysis?

7. A. Section 5.3 of the Correctional Services Policy and Procedures states that for specific jobs a form from a physician as to an individual's fitness and ability is required as a condition of employment. Which jobs require such a form?
   B. How do you determine the fitness and ability level required for a job? (If necessary, probe to determine if the requirement is based on bona fide job requirements.)

8. A. Have you received training with respect to human rights and other employment-related legislation?
   B. If yes, what training have you received and when was it taken? (Note exact dates not required, just general idea of how long ago)

9. A. Do you use application forms other than those provided by the Public Service Commission? If yes, get examples.
   B. If yes, who developed them and do you know if they consider up-to-date human rights and other relevant legislation and information when preparing the forms? If don't know then try to get a contact name.

10. Is the human resource office accessible for people with disabilities? If no, please explain.

11. What process is used to screen applicants for the eligible list for an interview? (If necessary, ask if screening criteria are developed prior to receiving the applications and if similar screening criteria are used for similar jobs across the province.)

12. A. Do you make provisions in the interview process to accommodate people with disabilities?
   B. If yes, please provide examples of what has been done.
   C. How do you determine that an accommodation is required for the interview?

13. A. Is the selection process, including the interviews, fully documented?
   B. If yes, please explain the documentation process.

14. A. Are efforts made to include designated group members on the interview teams?
   B. If yes, how do you determine the representation of the designated group members? (For example, do interviewees self identify before the interview?)

15. A. Are all interview questions developed in advance of the interviews?
   B. If yes, please explain what process is used.

16. A. Does the interview panel agree on what is considered a successful response to all interview questions?
   B. If yes, please explain how is this done.

17. A. Are tests, including interview questions and other forms of testing, validated for job relatedness?
   B. If yes, please explain how this is done.

18. A. Are tests examined for gender and racial biases?
   B. If yes, how are these examined?

19. A. Are tests administered by trained personnel?
    B. If yes, what type of training have they received? (Probe to see if taken training on how to do interviews)
20. A. Are testing conditions standardized?
    B. If yes, what steps are taken to ensure that testing conditions are standardized?

21. A. Are testing facilities accessible to persons with disabilities?
    B. If no, provide explanation.

22. A. Are tests available in various media to accommodate applicants' needs, e.g., Braille, translation services?
    B. If yes, what types of accommodations are made (please provide examples)?

23. A. Are procedures for reference checks standardized?
    B. If yes, please explain what is done? If there are copies of forms being used for reference checks then get them.

24. All Correctional Services staff are covered by the Public Service Commission's Affirmative Action Policy, Fair Hiring Policy and Secondment Policy.
    A. Do you feel that the Affirmative Action Policy is applied consistently at your worksite? (If necessary, probe to see if it is used) Please explain.
    B. Do you feel the Fair Hiring Policy is applied consistently at your worksite? (If necessary, probe to see if it is used) Please explain.
    C. Do you feel the Secondment Policy is applied consistently at your worksite? (If necessary, probe to see if it is used) Please explain.

**Promotion System**

25. A. Have formal lines of progression or career paths for each occupational group been identified? If yes, please describe If no, are there informal lines of progression? Please describe.
    B. Are there entry level jobs in each category from which employees have an opportunity to advance?
    C. How has information on career paths been made available to employees?

26. How are employees selected for upward mobility opportunities? Are there established criteria to select employees for these opportunities? If yes, explain them or provide copies of criteria.

### Conditions of Employment System

27. All staff of Correctional Services are covered by the Public Service Commission's policy on sexual and other forms of personal harassment.
    A. Do you feel that the policies, as currently stated and utilized by Correctional Services, are effective?
    B. If no, why not?
    C. What suggestions do you have for improvement?

28. What procedures, if any, do you have in place to allow you to explore issues of employee retention?

### Layoff, Recall, Disciplinary Action and Termination Systems

29. How are layoff and termination decisions determined?

30. What is the established procedure for taking disciplinary action against an employee?

31. When, if at all, do you provide counselling and/or rehabilitation programs to employees?

32. A. Are there restrictions on employees' access to the Employee Assistance Program?
    B. If yes, please explain.

33. Under what circumstances, if any, do you conduct formal or informal exit interviews to determine reasons for voluntary employee terminations?

## APPENDIX F:
## INTERVIEWERS INTERVIEW GUIDE

1. A. Do you make provisions in the interview process to accommodate people with disabilities?
   B. If yes, please provide examples of what has been done.
   C. How do you determine that an accommodation is required for an interview?

2. A. Are you familiar with human rights and other employment-related legislation?
   B. Are the people making the interview arrangements and meeting the interviewees familiar with human rights and other employment-related legislation?

3. Are you aware of Correctional Services' employment equity philosophy and goals?

4. A. Is the selection process, including the interviews, fully documented?
   B. If yes, please explain the documentation process.

5. A. Are all interview questions developed in advance of the interviews?
   B. If yes, please explain what process is used.

6. A. Does the interview panel agree on what is considered a successful response to all interview questions?
   B. If yes, please explain how is this done.

7. A. Are tests, including interview questions and other forms of testing, validated for job relatedness?
   B. If yes, please explain how this is done.

8. A. Are tests examined for gender and racial biases?
   B. If yes, how are these examined?

9. A. Are tests administered by trained personnel?
   B. If yes, what type of training have they received? (Probe to see if taken training on how to do interviews)

10. A. Are testing conditions standardized?
    B. If yes, what steps are taken to ensure that testing conditions are standardized?

11. A. Are testing facilities accessible to persons with disabilities?
    B. If no, provide explanation.

12. A. Are tests available in various media to accommodate applicants' needs, e.g., Braille, translation services?
    B. If yes, what types of accommodations are made (please provide examples)?

13. A. Are procedures for reference checks standardized?
    B. If yes, please explain what is done? If there are copies of forms being used for reference checks then get them.

## Appendix G:
## Training and Development Interview Guide

1. Is the training and development policy used by Correctional Services based on employment equity principles?

2. How do you determine who gets what training (probe, if necessary, to see if based on policy, budget, etc.)?

3. A. Do you provide career development courses to staff of Correctional Services?
   B. If yes, how do you determine who gets the training?

4. Are the training facilities accessible to persons with disabilities?

5. Please describe the process you use to select staff to become trainers.

6. A. Are the Training and Development materials examined for gender and cultural biases?
   B. If yes, how is this done?

## Appendix H: Document Review: Documents Reviewed and Documents That Should Be Reviewed

| Document | Sections Reviewed | Sections That Should be Reviewed |
|---|---|---|
| Civil Service Act | 14: Appointments and promotions<br>16: Publicity respecting vacancy<br>17: Filling of vacancy<br>18: Appointment or promotion from eligibility list<br>19: Factors considered to determine merit<br>20: No discrimination<br>21: Preference for military service<br>22: Preference for resident<br>23: Citizenship requirement<br>25: Layoff or termination of services<br>26: Suspension<br>27: Dismissal<br>28: Report<br>44: Improper influence prohibited | 24: False statement<br>40: Leave of Absence |
| General Civil Service Regulations | 3-11A: Appointments<br>57-59: Holidays<br>61-66: Sick leave<br>67-81: Special leave<br>83: Staff training and development<br>86-92: Termination | 44-46A: Overtime<br>47: Days and hours of employment<br>48-56: Vacations<br>82: Prepaid leave plan<br>93-102: General |

| Document | Sections Reviewed | Sections That Should be Reviewed |
|---|---|---|
| *Manual 500* | 2: Staffing<br>3: Affirmative Action Policy<br>7: Travel and Relocation<br>8: Training and Development<br>9: Performance Management<br>10: Handling a Grievance<br>11: Employee Records<br>12: Leaves and Absences<br>18: The Separation Procedure | 5: Hours of Work and Overtime<br>14: Occupational Health and Safety<br>15: Employee Assistance Program<br>16: HIV/AIDS in the Work Place<br>17: Smoke-Free Workplace Policy |
| NSGEU Master Collective Agreement | 2: No Discrimination<br>10: Appointment<br>11: Re-assignment and Job Posting<br>19: Holidays<br>20: Special Leave<br>22: Sick Leave<br>23: Employee Performance Review and Employee Files<br>24: Discipline and Discharge<br>25: Notice of Resignation<br>26: Grievance Procedure<br>29: Travel Regulations<br>34: Employment Stability | All other articles, particularly:<br>12: Checkoff<br>14: Time Off for Union Business<br>15: Hours of Work<br>16: Overtime<br>17: Standby and Callback<br>33: Safety and Health<br>36: Injury on Duty<br>38: Job Sharing |

| Document | Sections Reviewed | Sections That Should be Reviewed |
|---|---|---|
| NSGEU Local 480 Collective Agreement | 11: No Discrimination<br>19: Sick Leave<br>20: Performance Review and Personnel File<br>23: Notice of Resignation<br>25: Travel Regulations<br>29: Discipline and Discharge<br>30: Grievance Procedures<br>38: Probationary Period<br>39: Leave of Absence<br>40: Compassionate Leave<br>41: Reassignment and Job Posting<br>42: Layoff and Recall | All other articles, particularly:<br>6: Hours of Work<br>7: Overtime<br>13: Union Representation and Union Leave<br>17: Compensation for Injury on Duty<br>18: Checkoff<br>28: Occupational Health and Safety<br>35: Call Out |
| Correctional Services *Policies & Procedures Manual* | 1.04: Code of Professional Conduct<br>1.34: Critical Incident Stress Management<br>3.00: Hiring Guidelines – Authority<br>3.01: Principles of Fair Hiring<br>3.02: Hiring of Relatives<br>3.03: Civil Service Positions<br>3.04: Casual/Seasonal or Relief Staff<br>3.05: Summer Student Positions<br>3.17: Affirmative Action<br>4: Staff Training | All other sections, particularly:<br>1.32: Tobacco-Free and Smoke-Free Policies<br>1.33: Occupational Health and Safety Act |

| Document | Sections Reviewed | Sections That Should be Reviewed |
|---|---|---|
| Adult and Youth Facilities Standard Operating Procedures | *Standing Operating Procedures Nova Scotia Youth Centre*<br>1.04: Code of Conduct and Ethical Principles<br>4: Training<br><br>*Standard Operating Procedures Cumberland Correctional Facility*<br>3.18: Dress, Deportment When Reporting for Duty<br>4: Staff Training and Development<br><br>*Standard Operating Procedures Cape Breton Correctional Centre*<br>1.02: Dress, Deportment and Reporting for Work<br>1.05: Sick Leave | All sections of the SOPs for: Antigonish Correctional Facility<br>Cape Breton Correctional Facility<br>Central Nova Scotia Correctional Facility<br>Cumberland Correctional Facility<br>Southwest Correctional Facility<br>Nova Scotia Youth Facility<br>Cape Breton Youth Detention Facility |
| Human Resources *Recruitment and Selection* binder | 2: The Fair Hiring Process<br>3: Competition Publicity<br>4: Applicant Screening<br>5: Preparing for Interviews<br>6: The Interview<br>7: Reference Checking<br>8: Competition Summary<br>9: Making the Offer<br>10: Notifying Unsuccessful Candidates<br>Appendix 2A: Fair Hiring Policy<br>Appendix 3A: Example of Publicity | |
| Other | PSC Application Form<br>Communique Regarding Attendance Management | |

# Appendix I: Employee Survey Results

| Table 1: Worksite of Respondents | | | | |
|---|---|---|---|---|
| | Number | Per cent of Total | Number Sent | Response Rates |
| Terminal Road Building | 16 | 4.2% | 16 | 100.0% |
| Community Corrections | 101 | 26.6% | 132 | 76.5% |
| Youth Facilities | 120 | 31.6% | 198 | 60.6% |
| Adult Correctional Facilities | 143 | 37.6 % | 342 | 41.8% |
| TOTAL | 380 | 100.0% | 688 | 55.2% |

| Table 2: Number and Per cent of Respondents in Designated Groups | | | | |
|---|---|---|---|---|
| Overall | Number | Per cent of Respondents | Per cent of Management | Per cent Working-age Population* |
| Aboriginal Peoples | 7 | 1.8% | 0.0% | 1.7% |
| Racially Visible Peoples | 19 | 5.0% | 3.8% | 3.4% |
| Persons with Disabilities | 36 | 9.5% | 5.7% | 13.4% |
| Female | 164 | 43.4% | 17.0% | 50.2% |
| *Population 15-64 years of age. Source: Statistics Canada Census 2001. | | | | |

| Table 3: Length of Time Respondents Worked for Correctional Services | | |
|---|---|---|
| Mean: 12 years<br>Median: 13 years<br>Range: < 1 year to 34 years | | |
| Length of Service | Number | Per cent |
| 0-5 years | 107 | 28.2% |
| 6-10 years | 64 | 16.8% |
| 11-15 years | 81 | 21.3% |
| 16-20 years | 69 | 18.2% |
| 21-25 years | 33 | 8.7% |
| 26+ | 26 | 6.8% |
| TOTAL | 380 | 100.0% |

| Table 4: Average Length of Time Respondents Worked for Correctional Services | | |
|---|---|---|
| **Group** | **Sample Size** | **Average** |
| Overall | 380 | 12 years |
| Aboriginal Peoples | 7 | 6 years |
| Racially Visible Peoples | 19 | 12 years |
| Persons with Disabilities | 36 | 14 years |
| Females | 164 | 11 years |
| Non-Designated Group Members | 202 | 13 years |

| Table 5: Pay Classification of Respondents | | |
|---|---|---|
| **Pay Classification** | **Number** | **Per cent of Total** |
| AC | 111 | 29.5% |
| AS | 10 | 2.7% |
| CL | 48 | 12.8% |
| MCP | 39 | 10.4% |
| MOS | – | – |
| PR | 154 | 41.0% |
| SE | 10 | 2.7% |
| *– Less than 5 respondents* | | |

| Table 6: Employment Status of Respondents | | |
|---|---|---|
| | **Number** | **Per cent** |
| Permanent full-time | 282 | 74.2% |
| Part-time | 44 | 11.6% |
| Casual | 40 | 10.5% |
| Other* | 14 | 3.7% |
| **Other includes term, probationary, and other.* | | |

| Table 7: Part of Interview Panel | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| Overall | 115 | 30.3% | 265 | 69.7% |
| Designated Group | | | | |
| Yes | 54 | 26.7% | 148 | 73.3% |
| No | 61 | 34.3% | 117 | 65.7% |
| Management+ | | | | |
| Yes | 51 | 96.2% | – | – |
| No | 64 | 19.6% | 263 | 80.4% |
| Worksite+ | | | | |
| CS Head Office | 11 | 68.8% | 5 | 31.3% |
| Community Corrections | 49 | 48.5% | 52 | 51.5% |
| Youth Facilities | 20 | 16.7% | 100 | 83.3% |
| Adult Facilities | 35 | 24.5% | 108 | 75.5% |

*+Distribution is statistically significant: p less than or equal to 0.001.*

*– Less than 5 respondents.*

| Table 8: Interested in Participating In Focus Group or Interview | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| **Focus Group** | | | | |
| Overall | 133 | 35.1% | 246 | 64.9% |
| Designated Group | | | | |
| Yes | 65 | 32.3% | 136 | 67.7% |
| No | 68 | 38.2% | 110 | 61.8% |
| Management* | | | | |
| Yes | 28 | 52.8% | 25 | 47.2% |
| No | 105 | 32.2% | 221 | 67.8% |
| Worksite | | | | |
| CS Head Office | 8 | 50.0% | 8 | 50.0% |
| Community Corrections | 28 | 28.0% | 72 | 72.0% |
| Youth Facilities | 38 | 31.7% | 82 | 68.3% |
| Adult Facilities | 59 | 41.3% | 84 | 58.7% |
| **Interview** | | | | |
| Overall | 139 | 36.7% | 240 | 63.3% |
| Designated Group | | | | |
| Yes | 67 | 33.3% | 134 | 66.7% |
| No | 72 | 40.4% | 106 | 59.6% |
| Management+ | | | | |
| Yes | 37 | 69.8% | 16 | 30.2% |
| No | 10 | 31.3% | 224 | 68.7% |
| Worksite* | | | | |
| CS Head Office | 11 | 68.8% | 5 | 31.3% |
| Community Corrections | 35 | 35.0% | 65 | 65.0% |
| Youth Facilities | 34 | 28.3% | 86 | 71.7% |
| Adult Facilities | 59 | 41.3% | 84 | 58.7% |

*Distribution is statistically significant: p less than or equal to 0.01.

+Distribution is statistically significant: p less than or equal to 0.001.

| Table 9: Interested in Participating In Focus Group or Interview | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| Gender* | | | | |
| Males | 52 | 31.7% | 112 | 68.3% |
| Females | 103 | 48.1% | 111 | 51.9% |
| Racially Visible** | | | | |
| Yes | 12 | 63.2% | 7 | 36.8% |
| No | 142 | 39.4% | 218 | 60.6% |
| Management+ | | | | |
| Yes | 37 | 69.8% | 16 | 30.2% |
| No | 118 | 36.1% | 209 | 63.9% |
| Worksite++ | | | | |
| CS Head Office | 11 | 68.8% | 5 | 31.3% |
| Community Corrections | 37 | 36.6% | 64 | 63.4% |
| Youth Facilities | 41 | 34.2% | 79 | 65.8% |
| Adult Facilities | 66 | 46.2% | 77 | 53.8% |

**Distribution is statistically significant: p less than or equal to 0.01.*

*+Distribution is statistically significant: p less than or equal to 0.001.*

***Distribution is statistically significant: p less than or equal to 0.05*

*++Distribution is statistically significant: p less than or equal to 0.025.*

**Table 10: Know Who to Contact for Information About an Advertised Position**

| | Yes | | No | | N/A | |
|---|---|---|---|---|---|---|
| | Number | Per cent | Number | Per cent | Number | Per cent |
| Overall | 284 | 74.7% | 50 | 13.2% | 46 | 12.1% |
| Designated Group | | | | | | |
| Yes | 143 | 70.8% | 31 | 15.3% | 28 | 13.9% |
| No | 141 | 79.2% | 19 | 10.7% | 18 | 10.1% |
| Management | | | | | | |
| Yes | 45 | 84.9% | – | – | 6 | 11.3% |
| No | 239 | 73.1% | 48 | 14.7% | 40 | 12.2% |
| Worksite | | | | | | |
| CS Head Office | 11 | 68.8% | – | – | – | – |
| Comm. Corrections | 77 | 76.2% | 10 | 9.9% | 14 | 13.9% |
| Youth Facilities | 93 | 77.5% | 17 | 14.2% | 10 | 8.3% |
| Adult Facilities | 103 | 72.0% | 22 | 15.4% | 18 | 12.6% |

*N/A: Not Applicable.*

*–Less than 5 respondents.*

**Table 11: Feel That Questions Asked in Interview Were Not Relevant to the Job**

| | Yes | | No | | N/A | |
|---|---|---|---|---|---|---|
| | Number | Per cent | Number | Per cent | Number | Per cent |
| Overall | 83 | 22.1% | 254 | 67.6% | 39 | 10.4% |
| Designated Group | | | | | | |
| Yes | 42 | 21.0% | 132 | 66.0% | 26 | 13.0% |
| No | 41 | 23.3% | 122 | 69.3% | 13 | 7.4% |
| Management | | | | | | |
| Yes | 12 | 22.6% | 39 | 73.6% | – | – |
| No | 71 | 22.0% | 215 | 66.6% | 37 | 11.5% |
| Worksite | | | | | | |
| CS Head Office | 5 | 31.3% | 7 | 43.8% | – | – |
| Comm. Corrections | 17 | 17.0% | 72 | 72.0% | 11 | 11.0% |
| Youth Facilities | 24 | 20.3% | 85 | 72.0% | 9 | 7.6% |
| Adult Facilities | 37 | 26.1% | 90 | 63.4% | 15 | 10.6% |

*N/A: Not Applicable.*

*–Less than 5 respondents.*

**Table 12: Workplace Policies, Legislation, Regulations and Directives Applied Consistently**

| | Yes | | No | |
|---|---|---|---|---|
| | Number | Per cent | Number | Per cent |
| Overall | 185 | 50.3% | 183 | 49.7% |
| Designated Group | | | | |
| Yes | 97 | 50.0% | 97 | 50.0% |
| No | 88 | 50.6% | 86 | 49.4% |
| Management | | | | |
| Yes | 32 | 61.5% | 20 | 38.5% |
| No | 153 | 48.4% | 163 | 51.6% |
| Worksite+ | | | | |
| CS Head Office | 12 | 80.0% | – | – |
| Community Corrections | 61 | 64.9% | 33 | 35.1% |
| Youth Facilities | 63 | 52.9% | 56 | 47.1% |
| Adult Facilities | 49 | 35.0% | 91 | 65.0% |

*+Distribution statistically significant: p less than or equal to 0.001*

*–Less than 5 respondents.*

**Table 13: Hospitable Environment to All Employees**

| | Yes | | No | |
|---|---|---|---|---|
| | Number | Per cent | Number | Per cent |
| Overall | 223 | 59.6% | 151 | 40.4% |
| Designated Group | | | | |
| Yes | 113 | 57.1% | 85 | 42.9% |
| No | 110 | 62.5% | 66 | 37.5% |
| Management+ | | | | |
| Yes | 44 | 84.6% | 8 | 15.4% |
| No | 179 | 55.6% | 143 | 44.4% |
| Worksite+ | | | | |
| CS Head Office | 13 | 86.7% | – | – |
| Community Corrections | 81 | 81.8% | 18 | 18.2% |
| Youth Facilities | 68 | 57.6% | 50 | 42.4% |
| Adult Facilities | 61 | 43.0% | 81 | 57.0% |

*+Distribution is statistically significant: p less than or equal to 0.01.*

*–Less than 5 respondents.*

| Table 14: Workplace Allows for Reasonable Accommodation | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| Overall | 255 | 68.4% | 118 | 31.6% |
| Designated Group | | | | |
| Yes | 128 | 65.6% | 67 | 34.4% |
| No | 127 | 71.3% | 51 | 28.7% |
| Management+ | | | | |
| Yes | 48 | 92.3% | – | – |
| No | 207 | 64.5% | 114 | 35.5% |
| Worksite+ | | | | |
| CS Head Office | 14 | 93.3% | – | – |
| Community Corrections | 93 | 93.0% | 7 | 7.0% |
| Youth Facilities | 81 | 68.1% | 38 | 31.9% |
| Adult Facilities | 67 | 48.2% | 72 | 51.8% |

*+Distribution is statistically significant: p less than or equal to 0.001.*

*– Less than 5 respondents.*

| Table 15: Aware of Anti-Harassment Policies | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| Overall | 349 | 92.3% | 29 | 7.7% |
| Designated Group | | | | |
| Yes | 181 | 90.0% | 20 | 10.0% |
| No | 168 | 94.9% | 9 | 5.1% |
| Management | | | | |
| Yes | 52 | 98.1% | – | – |
| No | 297 | 91.4% | 28 | 8.6% |
| Worksite | | | | |
| CS Head Office | 15 | 93.8% | – | – |
| Community Corrections | 95 | 94.1% | 6 | 5.9% |
| Youth Facilities | 111 | 93.3% | 8 | 6.7% |
| Adult Facilities | 128 | 90.1% | 14 | 9.9% |

*–Less than 5 respondents.*

| Table 16: Worksite Accessible to Employees with Disabilities | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| Overall | 247 | 65.9% | 128 | 34.1% |
| Designated Group | | | | |
| Yes | 139 | 70.2% | 59 | 29.8% |
| No | 108 | 61.0% | 69 | 39.0% |
| Management* | | | | |
| Yes | 43 | 82.7% | 9 | 17.3% |
| No | 204 | 63.2% | 119 | 36.8% |
| Worksite* | | | | |
| CS Head Office | 15 | 93.8% | – | – |
| Community Corrections | 68 | 68.0% | 32 | 32.0% |
| Youth Facilities | 86 | 72.3% | 33 | 27.7% |
| Adult Facilities | 78 | 55.7% | 62 | 44.3% |

*Distribution is statistically significant: p less than or equal to 0.01.

– Less than 5 respondents.

| Table 17: Aware of Training and Development Opportunities | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| Overall | 314 | 83.3% | 63 | 16.7% |
| Designated Group | | | | |
| Yes | 168 | 83.6% | 33 | 16.4% |
| No | 146 | 83.0% | 30 | 17.0% |
| Management* | | | | |
| Yes | 52 | 98.1% | – | – |
| No | 262 | 80.9% | 62 | 19.1% |
| Worksite+ | | | | |
| CS Head Office | 15 | 93.8% | – | – |
| Community Corrections | 96 | 95.0% | 5 | 5.0% |
| Youth Facilities | 85 | 71.4% | 34 | 28.6% |
| Adult Facilities | 118 | 83.7% | 23 | 16.3% |

*Distribution is statistically significant: p less than or equal to 0.01.

+Distribution is statistically significant: p less than or equal to 0.001.

–Less than 5 respondents.

| Table 18: Participated in Training and Development Opportunities | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| Overall | 356 | 93.7% | 24 | 6.3% |
| Designated Group* | | | | |
| Yes | 183 | 90.6% | 19 | 9.4% |
| No | 173 | 97.2% | 5 | 2.8% |
| Management** | | | | |
| Yes | 53 | 100.0% | 0 | 0.0% |
| No | 303 | 92.7% | 24 | 7.3% |
| Worksite | | | | |
| CS Head Office | 15 | 93.8% | – | – |
| Community Corrections | 96 | 95.0% | 5 | 5.0% |
| Youth Facilities | 115 | 95.8% | 5 | 4.2% |
| Adult Facilities | 130 | 90.9% | 13 | 9.1% |

*Distribution is statistically significant: p less than or equal to 0.01.

**Distribution is statistically significant: p less than or equal to 0.05.

–Less than 5 respondents.

| Table 19: Access to Career Development Courses | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| Overall | 154 | 42.7% | 207 | 57.3% |
| Designated Group | | | | |
| Yes | 73 | 38.2% | 118 | 61.8% |
| No | 81 | 47.6% | 89 | 52.4% |
| Management+ | | | | |
| Yes | 39 | 76.5% | 12 | 23.5% |
| No | 115 | 37.1% | 195 | 62.9% |
| Worksite+ | | | | |
| CS Head Office | 12 | 75.0% | – | – |
| Community Corrections | 60 | 63.2% | 35 | 36.8% |
| Youth Facilities | 34 | 29.8% | 80 | 70.2% |
| Adult Facilities | 48 | 35.3% | 88 | 64.7% |

+Distribution is statistically significant: p less than or equal to 0.001.

–Less than 5 respondents.

| Table 20: Opportunities to Advance Career | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| Overall | 194 | 51.9% | 180 | 48.1% |
| Designated Group | | | | |
| Yes | 82 | 41.6% | 115 | 58.4% |
| No | 112 | 63.3% | 65 | 36.7% |
| Management | | | | |
| Yes | 32 | 61.5% | 20 | 38.5% |
| No | 162 | 50.3% | 160 | 49.7% |
| Worksite | | | | |
| CS Head Office | 8 | 53.3% | 7 | 46.7% |
| Community Corrections | 48 | 48.0% | 52 | 52.0% |
| Youth Facilities | 68 | 58.1% | 49 | 41.9% |
| Adult Facilities | 70 | 49.3% | 72 | 50.7% |

| Table 21: Aware of Provisions in Collective Agreement and Civil Service Act/ Regulations | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| **A. Layoff** | | | | |
| Overall | 262 | 69.7% | 114 | 30.3% |
| Designated Group* | | | | |
| Yes | 124 | 62.6% | 74 | 37.4% |
| No | 138 | 77.5% | 40 | 22.5% |
| Management | | | | |
| Yes | 43 | 81.1% | 10 | 18.9% |
| No | 219 | 67.8% | 104 | 32.2% |
| Worksite** | | | | |
| CS Head Office | 14 | 87.5% | – | – |
| Community Corrections | 64 | 64.6% | 35 | 35.4% |
| Youth Facilities | 76 | 63.3% | 44 | 36.7% |
| Adult Facilities | 108 | 76.6% | 33 | 23.4% |

| | Yes | | No | |
|---|---|---|---|---|
| | Number | Per cent | Number | Per cent |
| **B. Recall** | | | | |
| Overall | 252 | 67.0% | 124 | 33.0% |
| Designated Group++ | | | | |
| Yes | 122 | 61.6% | 76 | 38.4% |
| No | 130 | 73.0% | 48 | 27.0% |
| Management** | | | | |
| Yes | 42 | 79.2% | 11 | 20.8% |
| No | 210 | 65.0% | 113 | 35.0% |
| Worksite* | | | | |
| CS Head Office | 14 | 87.5% | – | – |
| Community Corrections | 61 | 61.6% | 38 | 38.4% |
| Youth Facilities | 70 | 58.3% | 50 | 41.7% |
| Adult Facilities | 107 | 75.9% | 34 | 24.1% |
| **C. Disciplinary Action** | | | | |
| Overall | 268 | 71.1% | 109 | 28.9% |
| Designated Group+ | | | | |
| Yes | 126 | 63.3% | 73 | 36.7% |
| No | 142 | 79.8% | 36 | 20.2% |
| Management+ | | | | |
| Yes | 48 | 90.6% | 5 | 9.4% |
| No | 220 | 67.9% | 104 | 32.1% |
| Worksite** | | | | |
| CS Head Office | 13 | 81.3% | – | – |
| Community Corrections | 71 | 71.7% | 28 | 28.3% |
| Youth Facilities | 74 | 61.7% | 46 | 38.3% |
| Adult Facilities | 110 | 77.5% | 32 | 22.5% |

| | Yes | | No | |
|---|---|---|---|---|
| | Number | Per cent | Number | Per cent |
| **D. Termination** | | | | |
| Overall | 262 | 69.5% | 115 | 30.5% |
| Designated Group++ | | | | |
| Yes | 127 | 63.8% | 72 | 36.2% |
| No | 135 | 75.8% | 43 | 24.2% |
| Management* | | | | |
| Yes | 45 | 84.9% | 8 | 15.1% |
| No | 217 | 67.0% | 107 | 33.0% |
| Worksite** | | | | |
| CS Head Office | 13 | 81.3% | – | – |
| Community Corrections | 68 | 68.7% | 31 | 31.3% |
| Youth Facilities | 72 | 60.8% | 47 | 39.2% |
| Adult Facilities | 108 | 76.1% | 34 | 23.9% |

**Distribution is statistically significant: p less than or equal to 0.01.*

*+Distribution is statistically significant: p less than or equal to 0.001.*

***Distribution is statistically significant: p less than or equal to 0.05.*

*++Distribution is statistically significant: p less than or equal to 0.025.*

*– Less than 5 respondents.*

| Table 22: Access to Employee Assistance Program | | | | |
|---|---|---|---|---|
| | Yes | | No | |
| | Number | Per cent | Number | Per cent |
| Overall | 330 | 88.7% | 42 | 11.3% |
| Designated Group | | | | |
| Yes | 172 | 87.3% | 25 | 12.7% |
| No | 158 | 90.3% | 17 | 9.7% |
| Management* | | | | |
| Yes | 53 | 100.0% | 0 | 0.0% |
| No | 277 | 86.8% | 42 | 13.2% |
| Worksite+ | | | | |
| CS Head Office | 16 | 100.0% | – | – |
| Community Corrections | 96 | 98.0% | – | – |
| Youth Facilities | 95 | 79.8% | 24 | 20.2% |
| Adult Facilities | 123 | 88.5% | 16 | 11.5% |

*Distribution is statistically significant: p less than or equal to 0.01.
+Distribution is statistically significant: p less than or equal to 0.001.
–Less than 5 respondents.